

2010

NORTH CONWAY WATER PRECINCT
SEWER USE RULES & REGULATIONS

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NORTH CONWAY WATER PRECINCT SEWER USE RULES & REGULATIONS

These Rules and Regulations are adopted by the Commissioners of the North Conway Water Precinct as an ordinance to govern the use of public sewers, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and provide penalties for violations thereof, in the North Conway Water Precinct, County of Carroll, State of New Hampshire, pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6 and the North Conway Water Precinct Charter, as amended. The Federal laws, rules and regulations are cited and incorporated by reference herein solely for the purpose of implementing the Precinct's authority to regulate its public sewer system. The discharges governed by these Rules and Regulations are not within the jurisdiction of the Federal Clean Water Act.

The purpose of these rules and regulations is to protect water supplies, to prevent pollution in the surface and ground water of the Precinct and to prevent nuisances and potential health hazards. The first priority is to protect the aquifer by hooking up all homes and businesses located in priority groups 1, 2, and 3.

The long term goal of the Precinct is to provide sewer service to all residents whether they live on a town, state, or private road, but this goal must be tempered by the ability of the taxpayer and rate payers and owners to pay for the system. In this regard, the Commissioners recognize that the system has a beneficial impact on the value of property and that, at times, financial realities tend to argue for certain costs to be spread over all users. In making these decisions, the Commissioners will be guided by the purposes set out in this preamble.

ARTICLE I

Definitions

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

SECTION

1. "Applicant" shall mean any person requesting approval to discharge industrial or domestic wastewaters into facilities of the North Conway Water Precinct.

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 (mg/l).

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 ten (10) 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 a house connection.

5. "Bypass" shall mean the intentional diversion of waste streams from any portion of a pretreatment system, sewer, or wastewater treatment facility.

6. "Chemical Oxygen Demand (C.O.D.)" shall mean a measure of the oxygen equivalent to oxidation capacity of a strong chemical oxidant as determined by standard methods.

7. "Clean Water Act" shall mean the Federal Clean Water Act, 33 U.S.C. §§ 1251 to 1387, as amended.

8. "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

9. "Commercial Use" shall mean premises used for financial gain, including but not limited to businesses, restaurants, shops, bed and breakfasts, motels, hotels, retail shopping malls, professional offices, hospitals, and any other business of similar use.

10. "Division" shall mean The New Hampshire Department of Environmental Services.

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

12. "Easement" shall mean an acquired legal interest for a specific and limited use of land owned by others.

13. "EPA" shall mean the United States Environmental Protection Agency.

14. "Excessive" shall mean amounts or concentrations of a constituent of a wastewater which, in the judgment of the Precinct, will cause damage to any sewerage facility, which will be harmful to a wastewater treatment process, which cannot be removed by the wastewater treatment works of the Precinct required to meet the limiting discharge standards of the Wastewater Treatment Plants (facilities), which can otherwise endanger life, limb or public property, and/or which can constitute a nuisance.

15. "Facilities" shall include all structures, pipes and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposing of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outflow and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and all other appurtenances connected therewith.

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

17. "Food Establishment" means any fixed or mobile restaurant; temporary or permanent food service establishment; coffee shop; cafeteria, bed and breakfast, short order cafe; luncheonette; grill; roadside stand; industrial feeding establishment; food vending operation, whether attended or unattended; private, public or nonprofit organization or institution routinely serving food; catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

18. "Force Main" shall mean a line without access from individual properties, providing a connection from a pump station to a pump station, trunk or sanitary sewer main.

19. "Fume Toxicity Screening Level" shall mean the concentration of a pollutant in water which, under equilibrium or other conditions, a confined environment, or interaction with pollutants contained in permitted discharges, would cause the concentration of a pollutant in the air over the water to exceed an exposure limit.

20. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

21. "Grease" shall include the fats, oils, waxes and other related constituents found in wastewater.

22. "Grease Interceptor" is a device designed and installed so as to separate and retain for

removal by automatic or manual means grease from normal wastes, while permitting normal sewage or wastes to discharge into the sewer system by gravity.

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

24. "Hauler" shall mean that person, firm or corporation, licensed by the Division, who pumps, hauls, transports, or disposes of septage in accordance with the requirements of RSA 147:34.

25. "Hearing Board" shall mean the Board appointed according to provisions of Article XII of these rules.

26. "Industrial User" shall mean a person who discharges industrial wastes to the sanitary sewer of the Precinct.

27. "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business not including domestic or sanitary wastes.

28. "Interceptor" shall mean a sewer which serves to collect the flow from the sewage collection system.

29. "Interference" shall mean a discharge by an industrial user which, alone or in conjunction with discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of, or significantly contributes to a violation of any requirement of the publicly owned treatment works Groundwater Discharge permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the publicly owned treatment works in accordance with all applicable Federal and State laws and regulations.

30. "Invert" shall mean the bottom inside of the sewer pipe or bottom of a manhole structure.

31. "Local Limits" shall mean treatment limits established by the Precinct.

32. "May" is permissive (see "shall", Sec. 59).

33. "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317), which apply to a specific category of industrial user(s) and which are found in the Code of Federal Regulations, 40 CFR, Subchapter N, parts 401 through 471.

34. "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 groundwater.

35. "NCWP" or "Precinct" shall mean the North Conway Water Precinct and its authorized representatives.

36. "New Source" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:

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

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

C. The production or wastewater-generating process of the building structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(1) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs A or B of this section but otherwise alters, replaces, or adds to existing process or production equipment.

(2) Construction of a new source is defined under this paragraph as commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on site construction program:

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

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

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

37. "Official Notice" shall mean notice of change of address, violation, billing, or breach of any of these Rules and Regulations, and shall be deemed to have been given if sent by U.S. Mail at the address provided in the permit application.

38. "Operation and Maintenance" shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing the treatment works and for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in Article I.

39. "POTW" or "Publicly Owned Treatment Works" shall mean the wastewater treatment works which are owned by the Precinct. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW wastewater treatment works.

40. "Person" shall mean any individual, firm, company, state, association, society, profit or non-profit corporation, group, partnership, limited liability company or partnership, municipality, governmental facility or governmental subdivision of a state, or responsible corporate officer.

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

42. "Phenolic Compounds" shall mean the following hydroxy derivatives of benzene: 2-chlorophenol; 2,4-dichlorophenol; 2,4-dimethylphenol; 4-6-dinitro-o-cresol; 2,4-dinitrophenol; 2-nitrophenol; 4-nitrophenol; p-chloro-m-cresol; and 2,4,6-trichlorophenol.

43. "Pollution" or "Pollutant" shall mean contamination, or other alteration of the physical, chemical or biological properties of any waters which will or may create a public health nuisance or render such water or land harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, animals, birds, fish or other aquatic life.

44. "Pass Through" shall mean the discharge of pollutants through the publicly owned treatment works into surface or ground waters in quantities or concentrations, which, alone or in conjunction with discharges from other sources, cause, or significantly contribute to a violation of any requirements of the publicly owned treatment works Groundwater Discharge Permit (including an increase in the magnitude or duration of a violation) or of any applicable water quality criteria.

45. "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 to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical, or biological processes or other means, except as prohibited by 40 CFR Section 403.6(d).

46. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

47. "Public Sewer" shall mean a common sewer controlled by a governmental agency,

body politic, or public utility whether on a private or public road.

48. "Receiving Waters" shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater, including percolating groundwater, receiving discharge of wastewaters.

49. "Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

50. "Residential Use" shall mean any contributor to the Precinct's wastewater treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

51. "Residuals Management Program" shall mean structures, equipment, processes, operators associated with the collection, transportation, treatment or disposal of residues generated by the collection, transport, treatment or processing of materials introduced to the sewers or treatment facility.

52. "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 admitted intentionally.

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

54. "Septage" shall mean any liquid or solid, sludge or material pumped from chemical toilets, vaults, septic tanks or cesspools or other holding tanks.

55. "Septic Tank" shall mean a liquid-tight receptacle which receives raw sewage for storage and digestion, and which has been designed and constructed so as to retain the solids and to allow the liquids to discharge through a secondary system of piping into an approved form of subsurface disposal area.

56. "Septic Tank Truck" shall mean any watertight vehicle which is used for the collection and hauling of septage as described above and which complies with the regulations of the Division.

57. "Sewage" is the spent water of a community. The preferred term is "wastewater" (see Sec. 75).

58. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

59. "Shall" is mandatory (see "may", Sec. 32).

60. "Significant Industrial User" shall mean all industrial users subject to categorical pretreatment standards, or any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the Precinct on the basis that the industrial user has a reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.

61. "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

62. "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, chemical, radiological, or biological 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.

63. "State" shall mean the State of New Hampshire.

64. "Storm Drain" (sometimes termed "storm sewer") shall mean a drain or sewer for storm water, groundwater, subsurface water, or unpolluted water from any source.

65. "Storm Water" shall mean any flow occurring during or following any form of natural precipitation, and resulting there from.

66. "Superintendent" shall mean the Superintendent of the North Conway Water Precinct, or his authorized deputy, agent, or representative.

67. "Suspended Solids" (SS) shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and are referred to as nonfilterable residue.

68. "Total Toxic Organics (TTO)" shall mean the sum of all Toxic Organics not otherwise prohibited or limited under applicable regulations.

69. "Toxic Organics" shall mean all substances listed in Tables II and V of 40 CFR Part 122, Appendix D.

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

71. "Useful Life" shall mean the estimated period during which the Wastewater Facilities

of the Precinct will be operated.

72. "User" shall mean any person or entity who discharges wastewater or industrial wastewater into the sewerage system of the Precinct and any person or entity located in the Precinct.

73. "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works and or collection system, whether or not the user is connected to the public sewer.

74. "Waste" shall mean substances in liquid, solid or gaseous form that can be carried in water.

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

76. "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

77. "Wastewater Treatment Works" shall mean an arrangement of devices and structures used for treating wastewater, industrial wastes, and sludge sometimes used as synonymous with "waste treatment plant" or "wastewater treatment facility" or "water pollution control plant."

78. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

79. "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the American Water Works Association.

Approved meters: Sensus and Metron Farnier

ARTICLE II

Use of Public Sewers Required

SECTION

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

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

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

4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Precinct and abutting on any street, alley, or right-of-way in which a public sanitary sewer of the Precinct is located, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these Rules and Regulations, within ninety (90) days after date of official notice to do so or any extension which may be granted by the Commissioners, provided that said public sewer is within four hundred (400) feet of said house or building or if a connection has been provided or said house or building is located in priority group 1, 2, or 3 and the public sewer abuts the property. The Precinct reserves the right to review the development of raw land in all priority groups and require at the owner's expense the installation of suitable toilet facilities and the connection of such facilities with a public sewer which the Commissioners may require to be placed in the road by the developer without cost to the taxpayers.

5. The 2005 Master Plan update identified the priority of sewer throughout the Precinct. Figure 2, November 2005, identifies the priority of all streets without sewer in the Precinct. These priorities will drive the future installation of sewer mains. The long term goal of the Precinct is to provide sewer service to all residents whether they live on a town, state or private road, but this must be tempered by the ability of the taxpayers and rate payers to pay for the system. The Precinct's first priority is to protect the aquifer (drinking water protection area) and the streets identified in priority groups 1, 2, and 3 and all homes and businesses located adjacent to these streets, as provided in section 4, must hook up to the sewer system. Once all priority 1, 2, and 3 streets have sewer installed, a reevaluation of future expansion will be undertaken.

6. As set forth in Section 4, if development is approved for building within the precinct, the Precinct reserves the right to require that sewer lines shall be placed in the road by developer to insure future hookup can occur without additional costs being incurred by the taxpayers.

7. The requirement of mandatory connection contained in these rules and regulations may be waived at the discretion of the Commissioners in accordance with RSA 147:8 and the purposes of these regulations after consultation with the Superintendent and only if the property is already served with an adequate alternative sewage disposal system which complies with applicable state and local regulations and has been inspected at the owner's expense by a New Hampshire licensed designer who states in writing that it is properly functioning, was designed by a designer licensed in New Hampshire, and approved for construction by the New Hampshire Department of Environmental Services after January 1, 1985. The request for a waiver must be in writing and satisfy the foregoing conditions. If granted, the waiver is not transferable; a new owner must connect to the public sewer or seek a new waiver. The waiver is automatically revoked if the system fails and the owner shall be required to connect with the public sewer at the owner's expense. The waiver may be revoked for good cause and shall only be effective for five years whereupon a new waiver may be requested or the property shall be connected to the public sewer at the owner's expense. The request for a new waiver is discouraged and the possibility of issuance is remote. The issuance of a waiver shall not limit in any fashion, the obligation to pay charges or fees to the Precinct, including a user charge. The Commissioners may set a reasonable fee for processing waivers. Notwithstanding the foregoing, all owners of properties abutting a public sewer in priority groups 1, 2, and 3 shall be required to install suitable toilet facilities and to connect such facilities. No waivers shall be granted in these groups.

8. As set out in Article II, Section 4, an owner must install suitable toilet facilities and such facilities must be connected at the owner's expense directly to the public sewer. The portion of the connection from ten feet outside the inner face of the building wall to the public sewer is defined as the building sewer. Article I, ¶4. The requirement that the owner bear the expense of a building sewer may be waived at the discretion of the Commissioners in consultation with the Superintendent. The request for a waiver must be in writing and must establish that the Precinct has the legal authority for the installation of the building sewer. The issuance of such a waiver is at the discretion of the Commissioners who may consider but are not limited to the following circumstances: whether the structure(s) effected by the waiver is (are) single family homes, whether the effected structure(s) is(are) on individual lots of record, whether the structure(s) is(are) serviced by water provided by the Precinct, whether there is available funding for the connection, whether and to what extent the building sewer will produce revenue for the Precinct. If a waiver of the owner's expense is granted, it will be under conditions set by the Commissioners which may include but are not limited to the owner agreeing to be responsible for future maintenance. For good cause, the commissioners may suspend the operation of this section at any time.

ARTICLE III

Private Wastewater Disposal

SECTION

1. Disposal of septage at the publicly owned treatment works shall be performed only by haulers who have obtained a permit to haul pursuant to Env-Ws 803.03.

2. Such hauler may discharge septage to the facility provided at the North Conway Wastewater Treatment Plant only after the billing information has been established with the Precinct Office and after providing documentation that the septage to be disposed of originated from one of the locations listed in Section 3 of this Article.

3. Septic tank wastes will only be accepted from the following:

- i. North Conway Water Precinct
- ii. Town of Conway
- iii. Eaton
- iv. Bartlett
- v. Jackson
- vi. Mt. Washington Valley Solid Waste District and from any other towns or cities not hereby listed on a first come, first serve basis providing adequate capacity is available at the publicly owned treatment works.

4. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the health officer pursuant to RSA 147:8.

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 a written permit from the Precinct. After the Applicant has complied with the requirements of these rules and regulations set forth herein, the Precinct shall issue the permit to the Applicant.

2. There shall be three (3) classes of building sewer permits:

- a. For residential service;
- b. For commercial users producing only domestic wastewater or 50 population units (5,000 gallons/day); and
- c. For industrial users.

3. In all cases, the owner or the owner's agent shall make application on a special form furnished by the Precinct. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Precinct. A permit and inspection fee for a residential, commercial or industrial permit under this Article shall be paid to the Precinct at the time the application is filed. Permits shall not be transferred or reassigned.

4. 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 and hold harmless the Precinct from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer when the owner(s) or their agents perform such work.

5. 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, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Precinct does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

6. Old building sewers may, at the discretion of the Precinct, be used in connection with new buildings only when they are found, after examination and testing by the Precinct, to meet all requirements of these Rules and Regulations.

7. 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 Precinct, Town of Conway, and/or the State and shall be noted on the submitted

plans. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM, WEF Manual of Practice No. 9, and/or Division Standards of Design for Sewerage and Wastewater Facilities shall apply. In addition, 6 inch diameter at grade cleanouts shall be required at the property line, the structure, and street connection and every 200' of the connection whenever the connection exceeds 100 feet from the street to the structure.

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 means approved by the Precinct and discharged to the building sewer at the owner's expense.

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.

10. The connection of the building sewer into the public sewer shall conform to the latest editions of the requirements of the building and plumbing code, State of New Hampshire regulations Env-Ws 700, or other applicable rules and regulations of the Precinct, or the procedures set forth in appropriate specifications of the ASTM, ASCE manuals of engineering practice, WEF Manual of Practice No. 9 or No.FD-5, and/or Division Standards of Design for Sewerage and Wastewater Facilities. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Precinct before installation.

11. The Applicant for the building sewer permit shall notify the Precinct when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under supervision of the Precinct.

12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Precinct at the owner's expense when the owner(s) or their agents perform such work.

13. Any person proposing a new discharge into the system or an increase in the volume, beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system, shall make application to the Precinct for a modification of their permit at least sixty (60) days prior to the proposed change or connection. No person shall operate with such an increase or change without first having applied for and received a modification to their permit.

14. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge or any alteration in either flow or waste characteristics in industrial discharge shall require prior approval by the Precinct and the Division.

ARTICLE V

Use of the Public Sewers

SECTION

1. No person(s) shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool water, or unpolluted industrial waters.

2. 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 by the Precinct. Industrial cooling water or process waters may require a National Pollution Discharge Elimination System permit prior to discharge to a storm sewer or natural outlet.

3. No discharge into the sewer system shall pass through or interfere with operation or performance of the POTW and the POTW Residuals Management Program. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. Notification shall be given to the Precinct immediately in the event of any bypass.

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

a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to: (1) waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21; and, (2) any pollutant which causes an exceedance of 10% of the lower explosive limit as measured by an explosimeter at the point of discharge or at any point within the sewer, POTW or associated systems.

b. Any industrial wastes including oxygen demanding wastes (BOD, etc.) at a flow rate and/or concentration which would cause interference with the wastewater treatment works or residuals management program, constitute a hazard to humans or animals, create a public nuisance, exceed any applicable National Categorical Pretreatment Standards, or cause pass through.

c. Any waters or wastes having pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities or residuals management program such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk

containers, etc., either whole or ground by garbage grinders.

e. Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104 degrees Fahrenheit (40 degrees Centigrade) or cause inhibition of biological activity in the POTW.

f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewer, POTW, or associated systems in a quantity that may cause worker health and safety problems or exceed an exposure limit.

h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

i. Any waters or waste producing obnoxious gases.

5. 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, equipment, or residuals management program, will not have an adverse effect on the receiving water, or will not otherwise endanger human health, public property, or constitute a nuisance. The Precinct may set limits lower than the limitations established in the Rules and Regulations below if in its opinion such limitations are necessary to meet the above objectives. In forming its opinion, the Precinct will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, impacts on sludge toxicity and residuals management and other pertinent factors. The Precinct shall not permit those discharges which are prohibited by Sections 3 and 4 of this Article. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Precinct are as follows:

a. Any liquid or vapor having a temperature greater than 150 degrees F (65 degrees C).

b. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

c. Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by Section 4 of this Article or containing substances which may solidify or become viscous at temperatures between 32-150 degrees F.

d. Any garbage that has not been properly shredded (see Article I, Section 46). 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.

e. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Precinct, the Division, or the National Categorical Pretreatment standards, as promulgated by the EPA, for such materials.

f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Precinct.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Precinct in compliance with applicable State and Federal regulations.

h. Quantities of flow, concentration, or both which constitute a "slug" as defined herein.

i. Waters or waste-containing substances which are not amenable to treatment by the wastewater treatment process employed, adversely impact residuals management, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the permitted discharge.

j. Any water or wastes which are reactive or, by interaction with other water or wastes in the public sewer system, release toxic, flammable, or explosive gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures, treatment process, and residuals management.

k. Any pathogenic or infectious or physically dangerous medical or biological waste or any wastewater which results from the management or treatment of such wastes.

l. Any hazardous waste or any wastewater which results from the management or treatment of hazardous waste.

m. Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the Precinct; any filter backwash that is not treated to meet the requirements established herein, unless specifically permitted by the Precinct.

n. Any wastewaters which contain PCBs, dioxins, Phenanthrene chlorinated naphthalenes; Fluoranthene, Hexachlorobutadiene or pesticides, including, but not limited to, Dieldrin, Chlordane, 1,1,1-Trichloro-2,2-bis (p-chlorophenol)-ethane (4-4 DDT), Demeton, Endosulfan I, Endosulfan II, Endrin, Guthion, Heptachlor, Malathion, Methoxychlor, Mirex, Parathion, Acrolein, Aldrin, Tetrachlorodiphenylethane (TDE), 1,1-Dichloro-2,2-bis (p-chlorophenol) ethane (DDE), Hexachlorocyclo-hexane, Lindane, Benzene-cis-hexachloride

and benzene-trans-hexachloride (BHC), Hexachlorocyclo-pentadiene, and Toxaphene, unless specifically permitted by the Precinct.

o. Any treatment residue, sludge, scum, solid or material resulting from the management of such materials, unless specifically permitted by the Precinct.

p. Wastes or wastewater from outside the Precinct, unless the wastes or wastewater is discharged pursuant to the Precinct policy and rules for sewer connections serving property located outside the Precinct.

q. Detergents, surface-active agents, or other substances that cause excessive foaming in sewers, the wastewater treatment process or associated facilities.

r. Wastewater with any of the following constituents at concentrations greater than those indicated below:

Parameter	Limit
Arsenic	0.93 mg/l
Ammonia	400 mg/l
BOD	600 mg/l
Boron	5.0 mg/l
Cadmium	0.06 mg/l
Chloride	1200 mg/l
Chromium	0.32 mg/l
COD	1320 mg/l
Copper	0.10 mg/l
Cyanide	0.03 mg/l
Effluent Acute Toxicity	LC 50 = 100%
Iron	100 mg/l
Lead	0.04 mg/l
Mercury	0.002 mg/l
Nickel	1.5 mg/l
Phenolic Compounds	550 mg/l
Phosphorus	45 mg/l
Selenium	1.0 mg/l
Silver	0.10 mg/l
Sulfide	2.5 mg/l
TKN	450 mg/l
Total Toxic Organics	5 mg/l
TSS	300 mg/l
Zinc	3.7 mg/l

Notes: All metals to be reported as total recoverable.

s. Wastewater which has a concentration of any pollutant above the following screening levels or levels set by individual IDPs. Fume toxicity, explosivity, and ignitability screening levels will be developed where appropriate for individual industrial discharges based on wastewater composition. Such screening levels shall be generated on the basis of standard 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.

<u>Parameter</u>	<u>Level</u>
Chlorine	10 mg/l

t. Excessive discoloration (such as, but not limited to, dye washers and vegetable tanning solutions).

u. Unusual BOD, COD, TSS, TDS, alkalinity, or chlorine requirements in such quantities as to constitute a significant load on sewage treatment works.

6. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 5 of this Article, and which in the judgment of the Precinct may have a deleterious effect upon the wastewater facilities, processes, equipment, residuals management program, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Precinct may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover added cost of handling and treating the wastes.

7. If the Precinct 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, NHDES, the Precinct and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected to the 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 these Rules and Regulations. Plans and specifications for a proposed pretreatment facility shall be the result of the design and shall bear the stamp of a professional engineer registered in the State of New Hampshire. All costs for such shall be borne by owner.

8. An external grease interceptor (min 1,000 gallons for 50 or less seating capacity and 250 gallons for every 25 seats thereafter) shall be required to receive the drainage from fixtures and equipment with grease-laden waste. In all fixed food service establishment kitchens the required mop sink, floor drains in the food preparation areas, and prewash and wash compartments of the pot

sink shall be connected to the grease interceptor. Food waste and dishwasher grinders shall not discharge into the building drainage system through a grease interceptor. Compliance with all applicable codes established by Building Official and Code Administrators (BOCA) shall be required.

9. Grease, oil, grit, and sand interceptors shall be provided when, in the opinion of the Precinct, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 5(B), 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 Precinct, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance 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 Precinct. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

10. The Precinct may require a user of sewer services to provide information needed to determine compliance with these Rules and Regulations. Such information may include:

- a Wastewater discharge peak rates and volume over a specified time period.
- b Chemical analyses of wastewaters.
- c Information on raw materials, processes, and products affecting wastewater volume and quality.
- d Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- e A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- f Plans and specifications of wastewater pretreatment facilities.
- g Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

11. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136) and 40 CFR Part 122, 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 Precinct.

12. No statement contained in this Article shall be construed as preventing any special

agreement or arrangement between the Precinct and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Precinct for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any User Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

13. Septic tank waste (septage) shall be accepted at a designated receiving structure within the treatment plant area, at such times as are established by the Precinct, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Precinct. Permits to use such facilities shall be under the jurisdiction of the Precinct or its duly authorized representatives. The discharge of industrial wastes as "industrial septage" requires prior approval by the Precinct and the Division. Fees for dumping septage will be established as part of the User Charge System as set by the Commissioners, and no fee for any septage received from sources within the Precinct boundaries. The sewage treatment plant operator, acting on behalf of the Precinct, shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation residuals management program or violate the Groundwater Discharge Permit. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Precinct's wastewater treatment plant supervisor and disposal shall be accomplished under his supervision unless otherwise specifically permitted.

14. It shall be illegal to meet requirements of these regulations by diluting wastes in lieu of proper pretreatment.

15. 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 ensure that all employees who may cause or suffer such a discharge to occur know of the required notification of the Precinct.

16. If sampling performed by an industrial user indicates a violation, the user shall notify the Precinct within 24 hours of becoming aware of the violation. Verbal notifications must be followed by the timely submission of written notification. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Precinct within 30 days after becoming aware of the violation.

ARTICLE VI

Charges for Sewer Service

SECTION

1. Charges for sewer service may include charges for construction, which are fixed costs, and charges for operation and maintenance which are variable costs that may change from year to year in proportion to the quantity of wastewater collected and treated.

2. Charges for construction or fixed costs may be applied to pay for principal and interest payments on the bonded indebtedness.

a. Sewer Buy In fees: The owner(s) of houses, buildings or other properties used for human occupancy, employment, recreation or other purposes situated within the Precinct and abutting on any street, alley or right-of-way in which a public sewer has been installed shall be required to connect to the Precinct sewer and may be required to pay to the Precinct a buy in fee. The owner(s) of such houses or buildings are required to connect as provided in Article II.

b. Failure to Connect: The Commissioners may set and assess a penalty fee as provided in Article VIII for failure to connect as required by Article II.

3. Amounts of the buy in fees shall be established by the Commissioners of the North Conway Water Precinct and published separately as a part of the Precinct user charge system. Such buy in fees shall be determined so that the total of such charges will be adequate to service the debt and encourage the use of the system. Such entrance and expansion fees shall be deposited in a separate fund and be used only to pay the costs incurred by the Precinct in constructing the sewerage system, including the portion of the building sewers in public streets and rights-of-way, collection sewers, pumping stations, wastewater treatment facilities and other appurtenances.

4. User charges: Each user connected or unconnected to the sewerage system shall pay a sewer charge to cover the costs of management, maintenance, operation and repair, including replacement of the wastewater system. Sewer user charges shall be based on water use. The applicable charge shall be established by the Commissioners.

a. Sewer surcharges may be levied upon users who discharge wastewaters to the system that are above normal strength. The discharge of septage is an example of assigning a surcharge for operation and maintenance. For the purpose of determining the surcharge, normal domestic wastewater shall be considered to each have a BOD and suspended solids concentration of 250 mg/l.

b. Any user contributing more than 5,000 gallons per day and whose discharge strength is greater than 600 mg/l BOD or 300 mg/l TSS shall prepare and file with the Precinct a report that shall include pertinent data relating to the wastewater characteristics,

including the methods of sampling and measurement to obtain this data, and these data shall be used to calculate the user charge for that user. The Precinct shall have the right to gain access to the waste stream and take its own samples.

5. All users shall be billed quarterly. Payments are due within thirty (30) days after the billing date. Any payments not received within thirty (30) days after the billing date shall be delinquent.

a A penalty of 1 1/2 percent of the user charge bill will be added to each delinquent bill for each thirty (30) days or portion thereof of delinquency. When any bill is more than thirty days in default, service to such premises may be discontinued, in accordance with all applicable statutes and regulations, until such bill is paid.

b All unpaid sewer charges constitute a lien in accordance with the terms of RSA 38:22, RSA 149_I:11 and the North Conway Water Precinct Charter, as amended . Liens shall be placed on all properties that are two (2) quarters (180 days) in arrears. Liens shall remain on each property until paid in full. All lien costs and administrative fees shall be billed to the property owner.

c Property owners who are current with an approved payment plan are not delinquent. An owner may make written application for an approved payment plan to the Commissioners in the form which is set by the Commissioners. The applicant is required to provide all information requested by the Commissioners. Upon the filing of such an application, the Commissioners may stay Sections 5(a) and (b) while the application is pending. If the application is denied, the Commissioners may retroactively institute the provisions in Sections 5(a) and (b). If the application is approved and the owner is current on the payment plan, then the owner is not delinquent.

Liens shall not be placed on properties that remain current with their payment plan.

6. Any user who feels that their charge is unjust and inequitable may make written application to the Precinct requesting a review of the buy in charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of the wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

7. The Precinct will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance costs, including replacement costs, among users and user classes.

8. The Billing Office will make a schedule available at a user's request to notify each user at least annually of the rate being charged for operation and maintenance costs, including

replacement costs, of the treatment works.

9. All fees and user charges are contained in the Sewer User Fee Schedule as established by the Precinct Commissioners.

ARTICLE VII

Powers and Authority of Inspectors

SECTION

1. Duly authorized employees of the Precinct bearing proper credentials and identification shall be permitted to enter all properties connected to the public sewer system for the purposes of inspection, observation, maintaining public safety, maintenance, measurement, sampling, inspection and copying of records and testing pertinent to discharge to the wastewater facilities, in accordance with the provisions of these Rules and Regulations.
2. Duly authorized employees of the Precinct are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish that public disclosure might result in a competitive disadvantage to the industrial user. The burden of proof that information should be held confidential rests with the industrial user.

ARTICLE VIII

Enforcement and Penalties

SECTION

1. No person(s) shall wantonly or maliciously injure any part of the Precinct's facilities. Any person(s) violating this provision shall be liable to pay treble damages to the Precinct and shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, as provided for under RSA 149-I: 23, as amended.

2. Any person found to be violating any provision of these Rules and Regulations, except Section 1 of this Article, including failure to pay rates, fees, or charges, shall be served by the Precinct with written notice stating the nature of the violation and, if appropriate in the particular circumstances, providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease the violation(s). If the offender fails to correct the violation within the provided time period, all supply of water to the person shall cease and shall not be renewed until the violation is corrected, including the payment of all outstanding bills.

3. The Precinct may, after notice to the person discharging wastewater to the wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, Precinct staff or contractor, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer, wastewater treatment facilities, or residuals management program.

4. Any person found to be violating or continuing to violate any provisions of these Rules and Regulations, except Section 1 of this Article, shall be subject to a civil penalty in an amount not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate offense, as provided for under RSA 149-I:6, as amended.

ARTICLE IX

Industrial Pretreatment

SECTION

1. All persons discharging industrial wastes to the sanitary sewer shall comply with applicable requirements of the industrial pretreatment regulations contained in this Article, and Federal, State, and local laws, ordinances, codes, regulations, and rules, including the National Categorical Pretreatment Standards. The National Categorical Pretreatment Standards which would apply to industries if there were Clean Water Act jurisdiction (which there is not) are hereby adopted and incorporated herein.

2. The discharge of any industrial waste to the sanitary sewer is prohibited without a valid Industrial Discharge Permit (IDP).

3. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances governed by these Rules and Regulations. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.

4. Persons subject to this Article shall submit an application for an IDP containing information required under applicable State and Federal pretreatment regulations. Such information, at a minimum, shall include:

a The name and address of the facility, including the name of the operators and owners.

b A list of all environmental permits held by or for the facility.

c A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility including:

i An identification of the categorical pretreatment standards applicable to each regulated process.

ii An analysis identifying the nature and concentration of pollutants in the discharge.

iii Notification to the Precinct of any proposed or existing discharge of listed or characteristic hazardous waste.

iv In those instances in which the industrial user provides notification of discharge of hazardous wastes, the industrial user shall also provide the following certification: "I certify that the company has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree the company has

determined to be economically practical."

v Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.

vi A schedule of actions to be taken to comply with discharge limitations.

vii Additional information, as determined by the Precinct, may also be required.

5. The IDP shall outline the general and specific conditions under which the industrial waste is accepted for treatment at the Precinct's Wastewater Treatment Works. The IDP shall include the following:

a Whether pretreatment and self-monitoring facilities are required.

b A description of the required monitoring parameters and frequencies.

c Effluent limitations on the industrial process waste.

d Reporting requirements.

e Location of sampling sites, and the types and number of samples to be taken.

f A requirement that the industrial user provide notice of slugs, bypass or noncompliance.

6. An IDP is issued to a specific user for a specific operation. An IDP shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Precinct. Any succeeding owner or user shall comply with the terms and conditions of the existing permit until such time as the Precinct issues a new IDP.

7. Persons holding an IDP shall comply with the following reporting requirements:

a Industrial users shall submit periodic reports, as required, indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. Sampling for all Significant Industrial Users for periodic reports must be performed during the period covered by the report. Extra sampling data from categorical Significant Industrial Users must be included in the periodic reports. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operations and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Precinct.

b Reports submitted under this Article shall be signed by an authorized representative. An authorized representative may be:

i A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

ii A general partner or the proprietor if the industrial user is a partnership or sole proprietorship; or

iii By a duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operations of the facility.

c Reports submitted under this Article shall include the following certification:

"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 ensure 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."

8. Industrial users subject to the reporting requirements under this Article shall maintain records of information resulting from monitoring activities and be required to prepare such reports. Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the Precinct. Such records shall include for each sample:

a The date, exact place, method and time of sampling, the flow rate, production rate, and the name of person or persons taking the sample;

b The dates analyses were performed;

c The laboratory performing the analysis;

d The analytical techniques and methods used; and

e The results of such analysis.

9. IDPs shall also be subject to the following conditions:

a The IDP will be in effect for three years and the applicant shall apply for renewal at least 60 days prior to expiration, unless the applicant is notified otherwise.

b Prior to its expiration, an IDP may be terminated, revoked or modified for failure to comply with any of these Rules and Regulations.

c The Precinct may modify an IDP, prior to its expiration, so it conforms to discharge limitation requirements.

d An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a complete IDP application to the Precinct at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered New Hampshire professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the Precinct, the Precinct will issue a new or amended IDP in accordance with the procedures outlined in this Article.

e Industrial users will be assessed an annual fee by the Precinct to defray the administrative costs of the IDP program and may also be assessed an industrial cost recovery fee (See Schedule of Sewer Use Charges).

10. National Categorical Pretreatment Standards.

a All industries which would be subject to categorical pretreatment standards if there were Clean Water Act jurisdiction shall comply with these standards and any future standards that are promulgated by the EPA. For the purposes of these regulations, such industries shall be considered subject to categorical pretreatment standards.

b An industrial user subject to categorical pretreatment standards shall not discharge to the wastewater facilities after the compliance date of such standards unless an amendment to its IDP has been issued by the Precinct.

c Within one hundred twenty (120) days after the effective date of a categorical pretreatment standard, an industry subject to such standard shall submit an application for an IDP Amendment. The Application shall contain the information required in Section 3 of this Article.

d Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into the sewer, any industrial user subject to pretreatment standards and requirements shall submit to the Precinct a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative.

e At least 90 days prior to the commencement of a discharge, new sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Precinct a report which contains the information listed in 40 CFR 403.12(b)(1)-(5) and demonstrates compliance with applicable laws, rules, regulations, codes, and standards. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information required in 40 CFR 403.12(b)(4) and (5) and Env-Ws 904.

f Specific discharge limits on pollutant(s) shall be developed and continue to be developed as necessary and shall be effectively enforced by the Precinct.

g Where the Precinct develops specific prohibitions or limits on pollutants or pollutant parameters, such limits shall be deemed Pretreatment Standards.

h Compliance with applicable pretreatment standards and requirements of Industrial Users shall be enforced by the Precinct in accordance with these Rules and Regulations.

11. Industrial Users shall immediately notify the Precinct of any slug or spill discharged or any noncompliant discharge by such user to the sanitary sewer. The user shall send a written report to the Precinct within five (5) days of the incident describing the reason for the slug or spill, remedial action taken, and steps taken to prevent its reoccurrence.

a Any damage the Precinct suffers as a result of a spill or slug or any noncompliant discharge is considered a violation of these Rules and Regulations, and costs for repair, replacement or other associated costs shall be recoverable from the user.

12. The Precinct shall, as necessary, sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing non-compliance with industrial pretreatment standards. Each industry shall be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the sanitary sewer shall allow unrestricted access to authorized Precinct personnel for the purposes of investigating and sampling discharges from the industries. This access shall include copying and inspection of any records pertaining to the discharge or disposal of wastes or wastewater and any records that have been compiled pursuant to pretreatment programs or are needed to determine compliance status.

13. The Precinct shall investigate instances of non-compliance with industrial pretreatment standards and requirements.

14. Information and data submitted to the Precinct under this Article relating to

wastewater discharge characteristics shall be available to the public. Other such information shall be available to the public to the extent authorized by the Precinct.

ARTICLE X

Limits of Liability

SECTION

1. The approval of permit applications or the acceptance of any sewer construction by any of the Precinct's appointed officials does not indicate, nor should it be construed as acceptance of any liability by the Precinct, or any of its employees for claims which may arise due to errors, oversights, inferior material, poor workmanship or damages incurred in connection with construction of building sewers or private sewer disposal systems as set forth in Articles III, IV, and V of these Rules and Regulations.

ARTICLE XI

Validity

SECTION

1. The invalidity of any section, clause, sentence, or provision of these Rules & Regulations shall not affect the validity of any other part of these Rules & Regulations which can be given effect without such invalid part or parts.

ARTICLE XII

Hearing Board

SECTION

1. The North Conway Water Precinct Board of Commissioners shall act as a hearing board for arbitration of differences between the Precinct and sewer users on matters concerning interpretation and execution of the provisions of these Rules & Regulations by the Precinct.

2. A Decision of the Hearing Board is final and may be appealed to the Superior Court for a review on the record. Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the Precinct to show that the same is clearly unreasonable or unlawful, and all findings of the Precinct upon all questions of fact properly before it shall be deemed to be prima facie lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence before it, that such order is unjust or unreasonable.

ARTICLE XIII

Rules and Regulations

SECTION

1. These Rules and Regulations shall be in full force and effect as an ordinance regulating the use of sewer systems within the Precinct from and after their passage, approval, recording, and publication as provided by law.

Duly Enacted and Ordained this ____ day of _____, 2010 by the Commissioners of the North Conway Water Precinct in Carroll County, State of New Hampshire, at a duly noticed and duly held session of the said Commissioners.

North Conway Water Precinct
Conway, N.H.

By:

NORTH CONWAY WATER PRECINCT

SCHEDULE OF SEWER USE CHARGES

1. Sewer rates will be reviewed each year and adjustment made as necessary. Current rates may be obtained from the NCWP Office at 356-5382.

2. User Charge:

Charge on water bill as multiplier for sewer service for each connected or unconnected sewer user.

3. Buy In Fees:

Direct charges for enlargement or modification of sewers or treatment facilities resulting from development projects for which reserve capacity was not provided in the original or subsequent construction.

4. Current rates may be obtained from the NCWP Office at 356-5382.

5. Industrial Surcharge (IS) Fee

Any industrial user whose wastes will significantly influence the capital costs of the treatment works because of abnormal strength, volume or rate of flow or any other design factor shall be required to pay an industrial surcharge fee. At a minimum, the industrial surcharge fee shall be proportional to the user's flow and in addition to the basic User Charge.