

Effective March 19, 2019, Env-Wq 1200 reads as follows:

CHAPTER Env-Wq 1200 WINNIPESAUKEE RIVER BASIN PROGRAM

Statutory Authority: RSA 485-A:47

PART Env-Wq 1201 PURPOSE AND APPLICABILITY

Env-Wq 1201.01 Purpose. The purpose of these rules is to implement the program established by RSA 485-A:45-54.

Env-Wq 1201.02 Applicability. These rules shall apply to the use by any person of the sewer system known as the Winnepesaukee river basin system.

Env-Wq 1201.03 Notifications. Any notification required to be provided to the Winnepesaukee river basin program (WRBP) by this chapter shall be sent or delivered to the following address:

Winnepesaukee River Basin Program
Franklin Wastewater Treatment Facility
528 River Street
P.O. Box 68
Franklin, NH 03235

PART Env-Wq 1202 DEFINITIONS

Env-Wq 1202.01 “Administrator” means the administrator of the WRBP bureau of the department.

Env-Wq 1202.02 “Biochemical Oxygen Demand (BOD)” means the quantity of oxygen used in the degradation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

Env-Wq 1202.03 “Board” means the mechanical licensing board established pursuant to RSA 153:27-a.

Env-Wq 1202.04 “Building drain” means the part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the service connection beginning 5 feet outside the inner face of the building wall.

Env-Wq 1202.05 “Bypass” means “bypass” as defined in RSA 485-A:2, XVII, as reprinted in Appendix B.

Env-Wq 1202.06 “Chemical oxygen demand (COD)” means a measure of the oxygen equivalent of that portion of the organic matter on a sample that is susceptible to oxidation by a strong chemical oxidant.

Env-Wq 1202.07 “Combined sewer” means a sewer intended to receive both wastewater and storm water or other surface water.

Env-Wq 1202.08 “Commercial discharge” means non-industrial wastewater and sewage discharged from commercial facilities including, but not limited to, auto and truck service facilities, car washes, hospitals, laboratories, machine shops, marinas, newspaper printing, photo processing centers, printing shops, restaurants, schools, supermarkets, convenience stores with food preparation, facilities or institutions with food preparation, and funeral homes.

Env-Wq 1202.09 “Commercial discharge permit (CDP)” means a regulatory document issued by the WRBP designed to control the discharge of pollutants from commercial users into the public sewer as authorized in RSA 485-A:45-54.

Env-Wq 1202.10 “Community” means any city or town that is included as part of, and is served by, the Winnepesaukee river basin system, including but not limited to portions of Laconia, Franklin, Meredith, Gilford, Tilton, Belmont, Northfield, Sanbornton, and the Bay District.

Env-Wq 1202.11 “Composite sample” means a collection of individual grab samples obtained at regular time or flow intervals.

Env-Wq 1202.12 “Contractor” means an individual, partnership, or corporation and the agents and representatives thereof performing work or providing supplies under an established contract.

Env-Wq 1202.13 “Control manhole” means a structure through which industrial wastes can be monitored and sampled.

Env-Wq 1202.14 “Cooling water” means the clean wastewater from air conditioning, industrial cooling, condensing, and similar apparatus and from hydraulically-powered equipment that is sufficiently clean, uncontaminated, and unpolluted that it can be discharged, without treatment or purification, to a natural open stream or watercourse, subject to the conditions of an NPDES permit.

Env-Wq 1202.15 “Department” means the New Hampshire department of environmental services.

Env-Wq 1202.16 “Design-year usage” means the method used by the WRBP to equitably apportion operations and maintenance, administrative, and replacement costs among communities.

Env-Wq 1202.17 “Fume toxicity screening level” means the concentration of a pollutant in water that, in a confined environment and a standard temperature, would cause the concentration of the pollutant in the air over that water to exceed the exposure limit established for the protection of worker health and safety.

Env-Wq 1202.18 “Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Env-Wq 1202.19 “Gallons per day (GPD)” means the standard measure of water or wastewater flow in a 24-hour period.

Env-Wq 1202.20 “Grab sample” means a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

Env-Wq 1202.21 “Grease” means volatile and non-volatile residual fats, oils, fatty acids, soaps, waxes, mineral oils, and other similar materials.

Env-Wq 1202.22 “Grit” means heavy inorganic matter such as stone, gravel, cinders, sand, silt, ashes, and heavy particulate matter such as bone chips and coffee grounds.

Env-Wq 1202.23 “Hauler” means any person engaged in the removal or transportation of septage or holding tank wastes to a disposal site.

Env-Wq 1202.24 “Headworks” means the portion of a wastewater treatment plant that first receives the total influent flow for initial treatment.

Env-Wq 1202.25 “Improved property” means any real estate located within a community upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes are or can be discharged.

Env-Wq 1202.26 “Indirect discharge” means the introduction of pollutants into the POTW from any industrial source regulated under Section 307(b), (c), or (d) of the federal Clean Water Act, 33 U.S.C. 1251 et seq. (CWA).

Env-Wq 1202.27 “Industrial discharge” means “industrial waste” as defined in RSA 485-A:2, VI, as reprinted in Appendix B. For purposes of these rules, “industrial discharge” does not include sewage.

Env-Wq 1202.28 “Industrial discharge permit (IDP)” means a regulatory document issued by the WRBP designed to control the discharge of pollutants from industrial users into the public sewer as authorized by the provisions set forth in RSA 485-A:45-54 and its federal NPDES permit.

Env-Wq 1202.29 “Industrial user” means a person who discharges industrial wastes to the POTW.

Env-Wq 1202.30 “Inspector” means the person or persons duly authorized by the community or the department, pursuant to RSA 485-A:45-54, to inspect and approve the installation of service connections and their connection to the sewage collection system.

Env-Wq 1202.31 “Interceptor sewer” means a channel or sewer that serves to collect the flow from the sewage collection system.

Env-Wq 1202.32 “Interference” means a discharge that, alone or in conjunction with discharges by other sources:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal;
- (b) Causes a violation of any requirement of the WRBP’s NPDES permit; or
- (c) Prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations:
 - (1) Section 405 of the Clean Water Act;
 - (2) The Solid Waste Disposal Act, including Title II commonly referred to as RCRA;
 - (3) The Clean Air Act;
 - (4) The Toxic Substance Control Act;
 - (5) The Marine Protection, Research, and Sanctuaries Act;
 - (6) Standards for Sewage Use and Disposal, 40 CFR 503;
 - (7) Septage management rules, Env-Wq 1600;
 - (8) Sludge management rules, Env-Wq 800;
 - (9) Groundwater protection rules, Env-Wq 402, Env-Or 600, and Env-Or 700; and
 - (10) Solid waste rules, Env-Sw 100-2000, and hazardous waste rules, Env-Hw 100-1100.

Env-Wq 1202.33 “Local limit” means a pollutant concentration that numerically limits the amount of each specified pollutant that can be discharged to the POTW in accordance with RSA 485-A:5, IV or 40 CFR 403.5(c).

Env-Wq 1202.34 “Major interceptor” means the sewer that serves to collect the flow from the sewage collection system and is owned and maintained by the WRBP.

Env-Wq 1202.35 “Medical/infectious waste” means “medical/infectious waste” as defined by RSA 125-N:2, VIII, as reprinted in Appendix B.

Env-Wq 1202.36 “North American Industrial Classification System (NAICS)” means the system developed jointly by the United States, Canada, and Mexico to standardize industrial classifications.

Env-Wq 1202.37 “National Categorical Pretreatment Standard” means any regulation that contains pollutant discharge limits promulgated by the U.S. Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the Clean Water Act that apply to a specific category of industrial users, found at 40 CFR Chapter I, Subchapter N, parts 405 through 471.

Env-Wq 1202.38 “Natural outlet” means any discharge, including storm drains and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Env-Wq 1202.39 “Noncontact cooling water” means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Env-Wq 1202.40 “National pollution discharge elimination system (NPDES)” means a regulatory program implemented by EPA through the issuance of NPDES permits that are designed to control the discharge of pollutants from point sources into the waters of the United States.

Env-Wq 1202.41 “Operator” means “operator” as defined in RSA 485-A:2, VII-a, as reprinted in Appendix B.

Env-Wq 1202.42 “Other wastes” means “other wastes” as defined in RSA 485-A:2, VIII, as reprinted in Appendix B.

Env-Wq 1202.43 “Pass through” means the discharge of pollutants through the POTW into surface waters in quantities or concentrations that, alone or in conjunction with discharges from other sources, causes a violation of any requirement of the WRBP’s NPDES permit, including an increase in the magnitude or duration of a violation of applicable water quality criteria.

Env-Wq 1202.44 “Permittee” means any individual, partnership, corporation, trust, or other entity to whom an IDP or CDP has been issued by the department.

Env-Wq 1202.45 “Person” means “person” as defined in RSA 485-A:2, IX, as reprinted in Appendix B.

Env-Wq 1202.46 “pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in gram equivalents per liter of solution.

Env-Wq 1202.47 “Pharmaceutical waste” means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, that is no longer suitable for its intended purpose.

Env-Wq 1202.48 “Pollutant” means “pollutant” as defined in 40 CFR 122.2, as reprinted in Appendix C.

Env-Wq 1202.49 “Pretreatment” means the application of physical, chemical, or biological processes, or any combination thereof, other than dilution, to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharging such waste into a publicly owned treatment works.

Env-Wq 1202.50 “Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Env-Wq 1202.51 “Pretreatment standards” means the numerical limits established in Env-Wq 1203.12(c)(8), standards specified in 40 CFR Chapter I, Subchapter N, Parts 405-471, and any standards established pursuant to RSA 485-A:5 in Env-Wq 305.

Env-Wq 1202.52 “Properly shredded garbage” means 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 ½ inch in any dimension.

Env-Wq 1202.53 “Property owner” means any person vested with legal or equitable ownership of any improved property.

Env-Wq 1202.54 “Public sewer” means a sewer controlled by public authority and in which all owners of abutting properties have equal rights.

Env-Wq 1202.55 “Publicly owned treatment works (POTW)” means a “treatment works” as defined by Section 212 of the Clean Water Act, the components of which are owned by the department or a community. The term includes, but is not necessarily limited to, the WRBP treatment plant, major interceptor, interceptor sewers, pumping stations, any conduits that convey wastewater to the treatment plant, appurtenant facilities essential to the operation of the entire system, and any other devices or systems used in the collection, storage, treatment, recycling or reclamation of sewage or industrial wastes of a liquid nature.

Env-Wq 1202.56 “Radiological waste” means low-level radioactive waste as regulated by RSA 125-F.

Env-Wq 1202.57 “Screening level” means the concentration of a pollutant in water that would cause a threat to personnel exposed to the pollutant, or would cause a threat to the structures of the POTW.

Env-Wq 1202.58 “Septage” means “septage” as defined by RSA 485-A:2, IX-a, as reprinted in Appendix B.

Env-Wq 1202.59 “Service connection” means the line maintained by the wastewater generator that connects the wastewater generator to the sewage collection system, through a wet well low-pressure pump system or a gravity service tap.

Env-Wq 1202.60 “Severe property damage” means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. The term does not include economic loss caused by delays in production.

Env-Wq 1202.61 “Sewage” means “sewage” as defined in RSA 485-A:2, X, as reprinted in Appendix B.

Env-Wq 1202.62 “Sewage collection system” means the common sewers and facilities that are primarily installed to collect and pump wastewaters to a treatment plant.

Env-Wq 1202.63 “Sewer” means a conduit designed to carry liquid and water-carried wastes from structures such as residences, commercial buildings, industrial plants, and institutions, and includes sewer appurtenances as defined in Env-Wq 700.

Env-Wq 1202.64 “Significant industrial user (SIU)” means “significant industrial user” as defined in 40 CFR 403.3(v), as reprinted in Appendix C.

Env-Wq 1202.65 “Significant noncompliance (SNC)” means an industrial user that meets one or more of the criteria specified in 40 CFR 403.8(f)(2)(viii).

Env-Wq 1202.66 “Slug discharge” means any discharge of water or wastewater in which the concentration of any given pollutant or the quantity of flow exceeds, for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration or flow during normal operation, or that adversely affects the POTW.

Env-Wq 1202.67 “Standard laboratory procedure” means an EPA-approved method published in 40 CFR 136 or a method approved for use pursuant to Env-C 300.

Env-Wq 1202.68 “State” means the state of New Hampshire.

Env-Wq 1202.69 “State plumbing rules” means rules adopted by the board pursuant to RSA 153:28.

Env-Wq 1202.70 “Storm drain” means a conduit that carries storm or other surface water or cooling water, but not sanitary sewage or industrial process wastes.

Env-Wq 1202.71 “Suspended solids” means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and that are removable by laboratory filtering.

Env-Wq 1202.72 “Traps” means intercepting devices, such as grease traps, oil separators, or grit removal chambers, located at the source and placed in the building drain prior to discharge to the sewage collection system. The term includes “oil and grease interceptors”.

Env-Wq 1202.73 “Treatment plant” means “wastewater treatment plant” as defined by RSA 485-A: XVI-a, as reprinted in Appendix B.

Env-Wq 1202.74 “Upset” means “upset” as defined in RSA 485-A:XVIII, as reprinted in Appendix B. The term does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Env-Wq 1202.75 “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

Env-Wq 1202.76 “Winnepesaukee river basin program (WRBP)” means an operating bureau of the department charged with implementing RSA 485-A:45-54.

Env-Wq 1202.77 “WRBP approval” means the approval of the WRBP administrator or designee.

Env-Wq 1202.78 “WRBP system” means that portion of the POTW that is owned by the WRBP, including the treatment plant, major interceptors, interceptor sewers, pumping stations, and appurtenant facilities essential to the operation of the system.

Env-Wq 1202.79 “Unpolluted water” means water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to a sewerage collection system or POTW.

PART Env-Wq 1203 SEWER USE RULES

Env-Wq 1203.01 Permit Required Prior to Disturbing Public Sewers.

(a) Subject to (b), below, no person shall uncover, connect with, make any opening into or use, alter, or disturb in any manner any public sewer or any part of the sewer or service connection without first obtaining a written connection permit from the community in which the sewer is located.

(b) In the event that a proposed connection is directly to the WRBP system, the applicant shall obtain a WRBP connection permit application from the community and submit it to the WRBP in accordance with Env-Wq 1203.03.

Env-Wq 1203.02 Required Connection to Public Sewers; Discontinuance of Other Systems.

(a) Pursuant to RSA 147, RSA 485-A, and any other relevant statutory authority, the owner of any improved property that is not connected to a public sewer but to which any public sewer is available shall connect such improved property within the time outlined in law or the community’s ordinances, as applicable, unless a waiver is granted by the community pursuant to RSA 147:8.

(b) Connection to the public sewer shall be for the purpose of discharging all sewage, commercial discharges, and industrial discharges from improved property into the sewage collection system, subject to limitations and restrictions as established in these rules, by the community, or Env-Wq 700.

(c) Each property owner connecting to the public sewer shall, within the same time limit, cease and desist from all further discharge of sewage, commercial discharges, and industrial discharges into any other conduit or pre-existing system, whether privately or publicly owned.

(d) As specified in RSA 147:8, a public sewer shall be deemed available to improved property if such improved property is within 100 feet of the public sewer, measured from the closest part of any structure that contains plumbing on the improved property along or across the shortest available alignment to the center line of the sewage collection system, unless a greater distance as has been specified by community code or ordinance as authorized by RSA 485-A:45, V.

(e) Subject to (f) and (g), below, no privy, vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or maintained at any time upon any improved property that has been connected to a public sewer or that is required by (a), above, to be connected to a public sewer.

(f) In the case where a building drain connected to a septic tank on any improved property is at an elevation that is too low to permit gravity flow to the public sewer, the septic tank or similar receptacle may be used and shall be retrofitted with a submersible sewage pump.

(g) If the retrofit of a septic tank or similar receptacle is allowed by (f), above, the receptacle shall conform to:

- (1) The requirements of the community's building and plumbing codes, or other applicable rules, regulations, and ordinances of the community; and
- (2) The applicable requirements of this chapter and Env-Wq 700.

(h) Receptacles prohibited by (e), above, shall be abandoned and filled with non-liquid material that will prevent any further use of the receptacle, such as sand, gravel, or concrete.

Env-Wq 1203.03 Connection to WRBP System.

(a) The applicant for a permit to connect to the WRBP system shall provide the following to the WRBP on or with a "Connection Permit Application" form obtained from the WRBP:

- (1) The name, mailing address, email address, and daytime telephone number of the applicant;
- (2) The location where the connection to the WRBP system is to be made including:
 - a. Street address;
 - b. Tax map and lot number ; and
 - c. A description of the approximate location on the interceptor where the connection will be made;
- (3) The name and contact information, including a mailing address and daytime telephone number, of the primary construction site contact person, if other than the applicant;
- (4) The estimated date of service connection;
- (5) The name, mailing address, email address, and daytime telephone number of:
 - a. The contractor installing the service connection;
 - b. If necessary, the contractor coring the interceptor;
- (6) The signature of the applicant's authorized representative, as specified in Env-Wq 1205.08;

- (7) The title, if applicable, of the applicant's authorized representative;
- (8) The certification specified in Env-Wq 1205.09;
- (9) The date of the application;
- (10) Plans or drawings showing the details of the service connections; and
- (11) The approval of an authorized community official, including:
 - a. The name, title, and signature of the community official approving the application; and
 - b. The date of approval.

(b) The WRBP shall approve the application and issue a connection permit if it determines that:

- (1) The information submitted pursuant to (a), above, is complete and appears to be accurate; and
- (2) If constructed and operated as specified in the application, the connection and discharge will comply with all applicable requirements of these rules and Env-Wq 700.

(c) Costs for labor or material incurred by the WRBP or the community during the process of connection to the sewer shall be borne by the property owner, in accordance with RSA 149-I:7 and RSA 485-A:48.

(d) Not less than 48 hours in advance of the time any connection is to be made to any public sewer or WRBP interceptor, the person to whom the service connection permit was issued shall notify the community and the WRBP that the service connection is ready for inspection, testing, and connection to the public sewer or WRBP interceptor.

(e) The connection and testing of the service connection to the WRBP system shall be made only under the supervision of, and in the presence of, an inspector from the community who shall complete the permit application section regarding the exact date, location and description of the connection, including GPS coordinates, and return the completed form to the WRBP and provide a copy to the community.

Env-Wq 1203.04 Prohibited Connections.

(a) No person shall connect roof down-spouts, exterior or interior foundation drains, or other sources of surface water run-off or groundwater directly or indirectly to a public sewer.

(b) No person shall connect building floor drains directly or indirectly to a public sewer, unless all discharges from the floor drains will be pretreated in accordance with all applicable federal, state, and local requirements.

(c) No connection shall be made to any force main within the WRBP system.

Env-Wq 1203.05 Construction, Installation, and Connection of Service Connections.

(a) Subject to (b), below, each building on an improved property shall be served by its own service connection.

(b) If one building stands at the rear of another such that no private or public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the service connection from the front building may be extended to the rear building and the whole considered as one service connection, provided that the approval of the community is obtained in writing prior to connecting.

(c) Existing service connections may be used to connect with new buildings only when they are found, on examination and test by the community, to meet all requirements of these rules.

(d) Subject to (e), below, the size, slope, alignment, and materials of construction of a service connection and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the building and plumbing codes or other applicable rules, regulations or ordinance of the community, this chapter, or Env-Wq 700.

(e) In the absence of code provisions or in amplification thereof, the design, construction, and testing specified in (d), above, shall be as set forth in the applicable specifications of “Gravity Sanitary Sewer Design and Construction”, Manual of Practice No. FD-5, Second Edition, 2007, published by the American Society of Civil Engineers (ASCE) and the Water Environment Federation (WEF), available as noted in Appendix D.

(f) The construction and connection of the service connection into the public sewer shall conform to the requirements of the building code, state plumbing code, and other applicable rules, regulations and ordinances of the community and in Env-Wq 700.

(g) Whenever possible, the service connection shall be brought to the point of connection with the building drain at an elevation below the lowest floor of the building. In all buildings in which the elevation of any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted and discharged to the service connection by means approved by the community and at the property owner’s expense.

(h) Every excavation for a service connection shall be guarded with barricades and lights to protect all persons from damage or injury. Streets, sidewalks, parkways, and other public or state property disturbed in the course of work on a service connection shall be restored in a manner satisfactory to the public entity that owns the property.

(i) Construction of the service connection shall be the responsibility of the owner of the improved property.

(j) All sewer connections shall be made gas-tight and watertight and verified by proper testing. The scheduling of pressure and leakage tests for sewers shall be made in accordance with the test methods and procedures as described by the pipe manufacturer or the department standards in Env-Wq 700. Any deviation from the prescribed procedures and materials shall be approved by the community and the department before installation.

(k) The service connection shall be tested for infiltration/exfiltration according to applicable provisions of Env-Wq 700 or the requirements of the community’s ordinances.

(l) No service connection shall be covered until after it has been inspected and approved by an inspector, as defined in Env-Wq 1202. If any part of the service connection is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the property owner of the improved property to be connected to the public sewer, in accordance with RSA 149-I:7.

Env-Wq 1203.06 Control Manholes.

(a) A property owner discharging industrial wastes through a service connection shall install a control manhole, together with such meters and other appurtenances in the service connection as are needed to facilitate observation, sampling, and measurement of wastes.

(b) The control manhole, including all monitoring and sampling equipment, shall be:

- (1) Accessible at all times;
- (2) Safely located; and
- (3) Installed and maintained by the property owner at the property owner’s expense.

Env-Wq 1203.07 Traps Required.

- (a) Subject to (b), below, the user of the service connection shall install a grease, oil, or sand trap whenever necessary to prevent grease, oil, and sand from entering the POTW.
- (b) Grease, oil, and sand traps shall not be required for private living quarters or individual dwelling units.
- (c) Each trap shall be:
 - (1) Of a type and capacity suitable for its intended use; and
 - (2) Readily accessible for cleaning and inspection.
- (d) The property owner shall be responsible for the proper removal and disposal of all captured materials in accordance with all applicable local, state, and federal requirements.

Env-Wq 1203.08 Responsibility for Maintaining Service Connections. The property owner shall maintain, repair, or replace each service connection for each improved property so as to ensure that the service connection functions in a sanitary and safe operating condition.

Env-Wq 1203.09 New or Modified Discharges to the POTW

- (a) Any person proposing a new discharge or an increase of more than 20 percent beyond limits previously permitted in the volume or character of pollutants that are being discharged to the POTW shall notify the community within the time limit established by the community ordinance prior to the proposed change or connection.
- (b) Any person proposing any of the following new discharges shall apply to the department for approval in accordance with Env-Wq 703.07:
 - (1) Any extension of a collector or interceptor, whether public or private, regardless of flow;
 - (2) Any wastewater connection or other discharge in excess of 5,000 gpd;
 - (3) Any wastewater connection or other discharge to a WWTP operating in excess of 80 percent design flow capacity based on actual average flow for 3 consecutive months;
 - (4) Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity; and
 - (5) Any sewage pumping station greater than 50 gpm or serving more than one building.
- (c) Any person discharging industrial wastes to the POTW shall comply with all applicable federal, state, and local pretreatment requirements, including the requirements of Env-Wq 1205 and in particular Env-Wq 1205.02(a) relative to significant industrial users.
- (d) No person shall discharge any commercial waste without first obtaining a commercial discharge permit from the WRBP in accordance with Env-Wq 1206.

Env-Wq 1203.10 Disposal of Septic Tank Wastes.

- (a) Septage or holding tank wastes shall be discharged to the WRBP system only by a person who:
 - (1) Holds a current, valid septage hauler permit issued by the department pursuant to Env-Wq 1605 for which the WRBP has signed a certification required by Env-Wq 1605.01(c); and
 - (2) Complies with all requirements of this section.

(b) A septage hauler permit shall be considered current and valid if the permit has not expired and has not been suspended or revoked or otherwise surrendered.

(c) Upon receipt of a septage hauler permit and prior to discharging any wastes to the WRBP system, the septage hauler shall provide a copy of the septage hauler permit issued by the department to the WRBP.

(d) The septage hauler shall notify the WRBP of any renewal or other change in the status of the permit, including suspension or revocation. If the permit is renewed, the septage hauler shall provide a copy of the renewed permit to the WRBP.

(e) Septage and holding tank wastes shall be accepted into the WRBP system only at the WRBP treatment plant's designated septage receiving area during the hours designated for receipt of such wastes.

(f) The WRBP shall limit the disposal of such wastes if such disposal might result in:

- (1) Pass through;
- (2) Interference with the treatment plant operation; or
- (3) Endangerment of the health and welfare of the WRBP treatment plant staff.

(g) No toxic wastes, oil, grease in amounts that would cause interference, or chemicals that would cause interference shall be discharged at the septage receiving areas.

(h) The septage hauler shall provide the following information on a septage discharge receipt form at the time of each discharge of waste:

- (1) The name and address of the pumping firm;
- (2) The septage hauler plate number, driver's name, and tank volume;
- (3) The source of the load, name and telephone number of client, and town of origin;
- (4) The fee to be paid for discharging the load; and
- (5) The date and time of discharge.

(i) If the WRBP receives information suggesting that a septage hauler authorized to discharge has submitted false information to the WRBP or the department, failed to comply with the provisions of this section, or violated any other provision of RSA 485-A or Env-Wq 1600 relative to septage disposal, the WRBP shall:

- (1) Proceed in accordance with RSA 541-A:30 and the provisions of Env-C 200 applicable to adjudicative proceedings to revoke the discharge authorization if:
 - a. The discharge harmed, or posed a significant threat of harm to, the WRBP treatment plant or staff; or
 - b. The septage hauler is a chronic non-complier as defined in Env-C 209;
- (2) Proceed in accordance with RSA 541-A:30 and the provisions of Env-C 200 applicable to adjudicative proceedings to suspend the discharge authorization if the criteria for revocation are not met; and
- (3) Request the commissioner of the department to fine the hauler in accordance with RSA 485-A:54, V or RSA 485-A:22, V, as applicable, and the rules in Env-C 200 and Env-C 600 if as a result of the violation the hauler realized an economic benefit that can be calculated.

Env-Wq 1203.11 Discharges of Stormwater and Cooling Water.

(a) Storm water shall be discharged to such storm drain(s) or natural outlet(s) as are specifically approved by the local authority having jurisdiction over such discharges.

(b) Subject to (c), below, prior to discharging any industrial cooling water or process waters to a storm drain or natural outlet, the person generating the discharge shall obtain an NPDES permit from EPA.

(c) If the industrial cooling water or process waters does not meet the established NH water quality standards in Env-Wq 1703 for discharge to a storm drain, the person generating the discharge shall apply for a permit to discharge to the WRBP system.

Env-Wq 1203.12 Prohibited Discharges.

(a) No person shall discharge, or cause or allow to be discharged, to the POTW any stormwater or other surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters.

(b) No person shall discharge, or cause or allow to be discharged, any substances, materials, waters, or wastes to the POTW that could:

- (1) Damage the POTW or any equipment or other appurtenances associated with the POTW;
- (2) Pass through or interfere with the operation or performance of the WRBP treatment plant;
- (3) Cause the WRBP to violate either Env-Wq 1703 or its NPDES permit;
- (4) Have an adverse effect on the receiving stream;
- (5) Endanger the health and welfare of the WRBP staff; or
- (6) Otherwise endanger public health, safety, or property or constitute a nuisance.

(c) Examples of discharges prohibited by (b), above, shall include the following:

- (1) Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;
- (2) Any industrial wastes, including oxygen-demanding wastes, at any flow rate or concentration or combination thereof that would:
 - a. Cause interference with the POTW;
 - b. Constitute a hazard to humans or animals;
 - c. Create a public nuisance; or
 - d. Exceed any applicable national categorical pretreatment standard or local limit;
- (3) Any waters or wastes having a pH lower than 5.5 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structural components, equipment, or personnel of the POTW;
- (4) 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 sewer system such as, but not limited to:
 - a. Ashes;
 - b. Cinders;

- c. Sand;
- d. Mud;
- e. Straw;
- f. Shavings;
- g. Metal;
- h. Glass;
- i. Rags;
- j. Feathers;
- k. Tar;
- l. Plastics;
- m. Wood;
- n. Unground garbage;
- o. Whole blood;
- p. Paunch manure;
- q. Hair and fleshings;
- r. Entrails; and
- s. Paper dishes, cups, or milk containers;

(5) Any liquid or vapor having a temperature higher than 150°F, or otherwise sufficiently hot to cause damage to the POTW or to cause the influent at the WRBP treatment plant headworks to exceed 104°F or cause inhibition of biological activity in the treatment plant;

(6) Any water or wastes containing fats, wax, grease, or oils, whether or not emulsified, in excess of 250 milligrams per liter (mg/L) for animal/vegetable origin and 50 mg/L for petroleum oil, nonbiodegradable oils, and products of mineral origin;

(7) Any waters or wastes containing heavy metals, solvents, or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the community, the department, or the EPA for such materials pursuant to requirements in 40 CFR 403;

(8) Any pollutant exceeding the local limits for maximum daily concentration specified in Table 1201-1 below:

Table 1201-1 - Local Limits

Pollutant	Maximum Daily Concentration (mg/L)
Aluminum	125
Arsenic	0.23
Cadmium	0.03
Chloride	9100
Chromium	3.30
Copper	1.40
Cyanide	0.45
Iron	25.0
Lead	0.85

Pollutant	Maximum Daily Concentration (mg/L)
Manganese	5.00
Mercury	0.025
Molybdenum	0.38
Nickel	1.00
Selenium	0.18
Silver	0.40
Zinc	5.85

- (9) Any discharge of pollutants exceeding the fume toxicity screening limits in accordance with 40 CFR 403.5(b);
- (10) Any medical/infectious waste, pharmaceutical waste, or radiological waste except as specifically authorized in a discharge permit;
- (11) Any slurry solutions of suspended or dissolved inert materials;
- (12) Any solutions of dissolved inert materials, such as, but not limited to:
- Sodium chloride; and
 - Sodium sulfate;
- (13) Any materials that exert or cause:
- Discoloration such as is caused by dye wastes and vegetable tanning solutions;
 - BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute an impact on the WRBP treatment plant;
 - A volume of flow or concentration of wastes or both constituting a slug discharge; or
 - Odors.
- (14) Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the WRBP treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the WRBP treatment plant's discharge to receiving waters;
- (15) Garbage that has not been properly shredded;
- (16) Waters or wastes that, by interaction with other water or wastes in the POTW:
- Release dangerous or noxious gases;
 - Form suspended solids that interfere with the operation of the collection system; or
 - Create a condition deleterious to structures and treatment processes; or
- (17) Any hazardous waste listed or designated by the department under Env-Hw 400.
- (d) No person shall meet or attempt to meet requirements of these sewer rules by diluting wastes.
- (e) The WRBP and the community shall, through applicable legal processes, set limitations lower than the limitations established in (c)(8), above, if more stringent limitations are necessary to meet applicable federal and state laws.

Env-Wq 1203.13 Approval of Special Discharges of Limited Duration.

- (a) Any person proposing to discharge, as a one-time or otherwise limited duration discharge, waters or wastes to the public sewers that contain the substances or possess the characteristics enumerated in Env-Wq 1203.12(a)-(c) and that might have a deleterious effect upon the POTW, processes, equipment, or

receiving waters, or that might otherwise create a hazard to life or constitute a public nuisance, shall request permission from the WRBP prior to discharging the waters or waste.

- (b) To request permission to discharge, the person shall provide the following information:
 - (1) The nature of the waters or wastes to be discharged;
 - (2) The estimated duration of the discharge; and
 - (3) The anticipated start of the discharge.
- (c) If necessary to fully characterize the proposed discharge, the person shall provide:
 - (1) The discharge peak rate and volume over a specified time period;
 - (2) Chemical analyses of the proposed discharge;
 - (3) A line diagram of the production process showing the origin of each waste stream;
 - (4) A listing of all chemicals used in the facility that could be discharged to the sewer;
 - (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
 - (6) Details of wastewater pretreatment facilities; and
 - (7) Details of systems established by the user to prevent and control the losses of materials through spills to the public sewer or storm drain.
- (d) The WRBP shall deny the request unless it determines that the proposed discharge:
 - (1) Will not cause a significant adverse impact to receiving waters or to the POTW, community or WRBP personnel;
 - (2) Is not likely to create a hazard to life or constitute a public nuisance; and
 - (3) Could be treated to alleviate the adverse impact.
- (e) If the WRBP determines that the criteria specified in (d), above, are met, the WRBP shall grant the request, subject to any conditions as are necessary to minimize any adverse impact, such as restricting the rate or timing of discharge or requiring pretreatment of the discharge.
- (f) If the WRBP accepts the discharge but determines that the discharge will cause the community or WRBP to incur additional expenses as a result of the discharge, the WRBP shall not accept the discharge unless the person pays the added cost of handling and treating the wastes.

Env-Wq 1203.14 Conflict with Community Ordinance.

- (a) In any case where a provision of Env-Wq 1200 conflicts with a provision of a community's ordinance or code, the provision that establishes the higher standard for the promotion and protection of the environment, the POTW, and public health and safety shall prevail.
- (b) In the case of a dispute concerning interpretation or application of Env-Wq 1200 or a conflict with community codes or ordinances, the dispute shall be treated as a contested case under RSA 541-A.

PART Env-Wq 1204 CHARGES AND BILLING PROCEDURES

Env-Wq 1204.01 Purpose and Scope. These rules are intended to implement RSA 485-A:50 by providing an equitable means of distributing the cost of administering the WRBP and the cost of operation, maintenance, and replacement of the WRBP system to communities within the WRBP.

Env-Wq 1204.02 Operation and Maintenance Charges.

- (a) Operation and maintenance charges to the communities shall consist of the sum of the following charges:
- (1) Volume charge based upon measured or approximated gallons of waste generated in the community during the billing period; and
 - (2) Sewage concentration surcharge based upon the weight of suspended solids or BOD exceeding the weight of suspended solids or BOD if the concentrations of these constituents from a permitted industrial user averaged over a 24-hour period is greater than 250 mg/L.
- (b) Interceptor maintenance charges are based upon the measured or approximated gallons of sewage per mile of interceptor sewer from point of entry into the WRBP treatment plant.
- (c) Pumping charges shall be based upon the measured or approximated gallons of waste pumped through each WRBP pumping station.
- (d) Metering and access charges shall be based upon measured or approximated gallons of flow entering the WRBP system through metering stations or directly to a WRBP interceptor.

Env-Wq 1204.03 Administrative Charges.

- (a) In accordance with RSA 485-A:50, administrative costs for the WRBP shall be assessed to each community based on its projected design-year usage of the WRBP system.
- (b) In the event that additional communities enter the WRBP, administrative charge assessments shall be modified to reflect those communities' projected design-year usage of the WRBP system in accordance with RSA 485-A:51, VII.

Env-Wq 1204.04 Replacement Charge. To provide for repair and replacement of those components of the WRBP system for which the repair or replacement cost cannot be absorbed as a regular budgetary item, a non-lapsing sinking fund shall be capitalized by contributions from member communities in accordance with RSA 485-A:51.

Env-Wq 1204.05 Septage Charge.

- (a) All septage haulers authorized to use the WRBP treatment plant for the disposal of septage and holding tank wastes shall annually pay a fee of \$100 to the WRBP to defray the administrative costs of the septage program.
- (b) In accordance with RSA 485-A:48 and RSA 149-I:8, the per gallon charge for septage shall be based upon measured volume and concentration of such material. Treatment charges to any septage hauler shall be based on actual gallons of septage discharged at the designated septage receiving area, with a minimum charge based on the size of the truck tank or a 1,000 gallon load, whichever is smaller.
- (c) In accordance with RSA 485-A:48 and RSA 149-I:8, the per gallon charge for holding tank wastes shall be based upon measured volume and concentration of such material. Treatment charges to any septage hauler shall be based on actual gallons of holding tank wastes discharged at the designated receiving area, with a minimum charge based on the size of the tank truck or a 1,000 gallon load, whichever is smaller.

Env-Wq 1204.06 Industrial User Charges. All industrial users holding IDPs shall annually pay a fee of \$1,200 to the WRBP to defray the administrative costs of the industrial discharge permit program outlined in Env-Wq 1205.

Env-Wq 1204.07 Community Assessments for Operation and Maintenance.

(a) Assessments for operation and maintenance shall be billed in accordance with RSA 485-A:50, as described in (b) through (e), below.

(b) At the beginning of each fiscal year, the WRBP shall prepare an estimate of each community's share of charges for operation and maintenance as described in Env-Wq 1204.02, based upon the estimated budget for operation and maintenance costs for the WRBP for that fiscal year and each community's proportional share of that budget.

(c) The WRBP shall send bills for estimated operation and maintenance charges quarterly to each community.

(d) Bills sent pursuant to (c), above, shall be due and payable upon receipt by the community.

(e) Annual adjustments to operation and maintenance charges shall be made as specified in Env-Wq 1204.10.

Env-Wq 1204.08 Community Assessments for Administrative Charges.

(a) Assessments for administrative charges shall be billed in accordance with RSA 485-A:50, as described in (b) through (e), below.

(b) At the beginning of each fiscal year, the WRBP shall prepare an estimate of each community's share of administrative costs as described in Env-Wq 1204.03, based upon the estimated budget for administrative costs for the WRBP for that fiscal year and each member's estimated share of that budget.

(c) The WRBP shall send bills for estimated administrative charges quarterly to each community.

(d) Bills sent pursuant to (c), above, shall be due and payable upon receipt by the community.

(e) Annual adjustments to administrative charges shall be made as specified in Env-Wq 1204.10.

Env-Wq 1204.09 Community Assessments for Replacement Charges.

(a) Replacement charges shall be assessed as specified in (b) through (e), below.

(b) At the beginning of each fiscal year, the WRBP shall prepare an estimate of each community's share of any replacement costs, as described in Env-Wq 1204.03, due or expected to be due in that fiscal year.

(c) The WRBP shall send bills for replacement charges in the second quarter of each fiscal year to each community.

(d) Bills sent pursuant to (c), above, shall be due and payable upon receipt.

(e) Annual adjustments to replacement charges shall be made as specified in Env-Wq 1204.10.

Env-Wq 1204.10 Annual Adjustments to Community Assessments.

(a) At the close of each fiscal year, the WRBP shall calculate the total actual operation and maintenance, administrative, and replacement charges based on actual expenditures for the WRBP and measured or approximated flows.

(b) If the total amount paid by a community during a fiscal year exceeds the community's share of the actual expenses, the WRBP shall apply a credit in the amount of the over payment to the bill sent to the community during the second quarter of the next fiscal year.

(c) If the total amount paid by a community during a fiscal year is less than the community's share of the actual expenses, the WRBP shall add an additional charge in the amount of the under payment to the bill sent during the second quarter of the next fiscal year.

Env-Wq 1204.11 Application Review Charges.

(a) A one-time fee of \$200 shall be charged to persons proposing a direct connection to the WRBP system, to cover both WRBP review of the connection request and WRBP inspection of the materials and methods of the connection.

(b) A one-time fee of \$75 shall be charged to persons submitting a discharge permit request application, to cover the WRBP's review of the discharge request to ensure that it complies with department rules governing such discharges.

(c) The fees specified in (a) and (b), above, shall not apply to communities, counties, state agencies, or school districts.

PART Env-Wq 1205 INDUSTRIAL PRETREATMENT RULES

Env-Wq 1205.01 Applicability.

(a) All SIUs discharging industrial wastes to the POTW shall comply with applicable requirements of federal and state industrial pretreatment rules and regulations in addition to the requirements of Env-Wq 1200.

(b) All industrial waste shall be pretreated in accordance with federal regulations and state rules to the extent required by applicable national categorical pretreatment standards, state pretreatment standards, or standards established by these rules, whichever is more stringent.

Env-Wq 1205.02 Industrial Discharge Permit Requirement.

(a) No SIU shall discharge any industrial process waste to the POTW without a valid industrial discharge permit (IDP).

(b) Obtaining an IDP shall not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

Env-Wq 1205.03 Industrial Discharge Permit Application and Approval.

(a) Any SIU proposing to begin or recommence discharging industrial waste to the POTW shall provide the following to the WRBP on an "Industrial Discharge Permit Application" obtained from the WRBP or the community in which the discharge is proposed:

- (1) Approval from the community in which the discharge is proposed, as specified in (c), below; and
- (2) The information specified in, (d), below.

(b) An industrial discharge permit application shall be filed with the WRBP at least 60 days prior to the date upon which any discharge will begin or recommence.

(c) An industrial discharge permit application shall contain the following information provided by a municipal official from the community in which the discharge is proposed:

- (1) The name of community;
- (2) The name of the company or a description of the proposed project associated with the proposed discharge;

- (3) Previously permitted flow history, if applicable;
- (4) The total flow proposed to be discharged, including sanitary and industrial wastes;
- (5) The name, title, and signature of the authorized community official, certifying that:
 - a. The application is complete;
 - b. The municipal sewage collection system has no history of surcharges;
 - c. There is no record of objections to the application from persons presently connected to the system;
 - d. The proposal has been approved by the applicable local authorities;
 - e. The municipality has evaluated and approved the proposed discharge; and
 - f. The proposed discharge complies with applicable local sewer ordinances and this chapter.
- (d) An applicant for an IDP shall provide the following information to both the community and the WRBP either on or attached to the application:
 - (1) The name, street address, and mailing address, of the applicant;
 - (2) The tax map and lot number of the location at which the industrial discharge is proposed;
 - (3) The name, title, email address, and daytime telephone number of:
 - a. The primary contact person or operator; and
 - b. The responsible official who has signed and certified the permit application pursuant to Env-Wq 1205.08 and Env-Wq 1205.09;
 - (4) A list of all environmental permits held by or on behalf of the user;
 - (5) A brief description of the products, average rate of production, and NAICS classification of the operations carried out by the user;
 - (6) An identification of the categorical pretreatment standards applicable to each regulated process;
 - (7) An waste stream analysis identifying the nature and concentration of pollutants in the proposed discharge;
 - (8) Information showing the proposed average daily and maximum daily flows, in gallons per day, to the public sewer from regulated process streams and from other waste streams;
 - (9) Pursuant to Env-Wq 1205.13, a compliance schedule of actions to be taken to comply with discharge limitations if presently out of compliance;
 - (10) A schematic diagram showing the production process, including the origin of each waste stream;
 - (11) A schematic diagram showing the treatment processes;
 - (12) Plans, specifications, and a description of operation and maintenance procedures;
 - (13) A listing of all chemicals used in the industrial facility that could be discharged, such as production chemicals, degreasers, and cleaning solvents, including a description of the toxicity and treatability of those chemicals;

- (14) A location map of the site including GPS coordinates;
 - (15) Identification of all sampling locations; and
 - (16) A water reduction and pollution prevention plan;
- (e) If pretreatment is necessary for the SIU to comply with discharge limitations, plans for the pretreatment facilities shall be stamped and submitted by a chemical, civil, sanitary, or environmental engineer licensed to practice in the state of New Hampshire.
- (f) If the WRBP determines that additional information is necessary to fully assess the proposed discharge:
- a. The WRBP shall request such additional information within 30 days of receipt of the application, as specified in RSA 541-A: 29; and
 - b. The applicant shall provide the additional information to the WRBP within 30 days of the request.
- (g) The application shall contain the certification statement in Env-Wq 1205.09 signed by an authorized individual as specified in Env-Wq 1205.08.
- (h) When the department, the community, and the WRBP approve the pretreatment or equalization of waste flows, the design and installation of these facilities shall be subject to the review and approval of the community, the WRBP, and the department and subject to the requirements of all applicable codes, ordinances, and laws. Such facilities shall not be connected until said approval has been obtained in writing from the department. Such approval shall not relieve the owner of the responsibility of discharging treated waste that meets the requirements of these rules.
- (i) Where pretreatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained at all times by the user at the user's expense to meet the discharge limitations established in the user's industrial discharge permit.

Env-Wq 1205.04 IDP Duration.

- (a) Subject to (b), below, an IDP shall expire one year from the effective date of the permit. Each IDP shall indicate the specific date upon which it will expire.
- (b) An IDP shall terminate upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided at least 60 days in advance.
- (c) The notice required by (b), above, shall include a written certification that:
- (1) States that the new property owner or new operator, as applicable, has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the specific date on which the transfer of ownership is to occur; and
 - (3) Acknowledges full responsibility for complying with the existing permit conditions and these rules.

Env-Wq 1205.05 IDP Contents.

- (a) The IDP shall identify the general and specific conditions under which the industrial waste shall be acceptable for discharge to the POTW.

- (b) Each IDP shall specifically include the following:
 - (1) A statement that indicates the permit duration;
 - (2) Requirements for self-monitoring, sampling, reporting, notification, and record-keeping, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local rules;
 - (3) Effluent limitations for the industrial waste based on applicable pretreatment standards; and
 - (4) Requirements to modify the permit as necessary to conform to discharge limitation requirements or other requirements enacted by federal, state, or community rules and/or regulations.
- (c) For users with reporting requirements, the IDP shall require the report to:
 - (1) Contain the following:
 - a. Information necessary to determine the compliance status of the user, in the form of periodic monitoring results indicating the nature and concentration of pollutants in the pretreatment effluent discharge from the regulated processes governed by pretreatment standards, or documentation of compliance with a best management practice (BMP) or pollution prevention alternative, if required by the pretreatment standard;
 - b. The average and maximum daily permitted process flow;
 - c. Whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment systems will be implemented to bring the user into compliance; and
 - d. Any analytical results monitored more frequently than required by the IDP; and
 - (2) Be signed and certified pursuant to Env-Wq 1205.09.
- (d) Each IDP shall contain:
 - (1) Limits on the maximum or average rate of discharge or both, time of discharge, and requirements for flow regulation and equalization;
 - (2) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to prevent accidental, unanticipated, or non-routine discharges;
 - (3) Requirements for installation and maintenance of sampling facilities and equipment;
 - (4) Other special permit conditions as deemed necessary by the WRBP to ensure compliance with these rules, federal laws, rules, and regulations; and
 - (5) Requirements for pretreatment and self-monitoring facilities and a schedule for the user to acquire and install such facilities if they do not already exist.

Env-Wq 1205.06 Change in Discharge.

- (a) An SIU proposing a new discharge or a change in quantity of its existing discharge shall obtain a new discharge permit application from the community in which the discharge is proposed and submit the completed application to the WRBP at least 60 days prior to the commencement of such discharge.

(b) If the new or modified/increased discharge requires the construction and installation of additional treatment devices, the SIU shall submit to the WRBP plans and specifications of the proposed pretreatment facility stamped by a professional engineer licensed to practice in the state of New Hampshire.

(c) An SIU proposing a change in quality of its existing discharge shall obtain a new discharge permit application from the WRBP and submit the completed application at least 60 days prior to the commencement of such modified discharge.

(d) In accordance with the criteria outlined in Env-Wq 1205.07 below, and upon approval of the discharge permit application by the WRBP pursuant to these rules and the department's industrial pretreatment program pursuant to RSA 485-A:5 and Env-Wq 305, the WRBP shall issue an amended IDP.

Env-Wq 1205.07 IDP Modification. The WRBP shall, after notice and opportunity for a hearing in accordance with RSA 541-A:30 and Env-C 200, modify an IDP for good cause, including the following:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or quality since the time of IDP issuance;
- (c) A change in the WRBP's NPDES permit requirements;
- (d) Information indicating that the permitted discharge poses a threat to the POTW, community or WRBP personnel, or the surface water quality in the receiving stream;
- (e) Misrepresentations or failure to fully disclose all relevant facts in the IDP application or in any required reporting;
- (f) To correct typographical or other errors in the IDP;
- (g) To reflect a transfer of the facility ownership or operation to a new owner or operator; or
- (h) Any other reasons that would require a modification of the permit to accurately reflect then-current requirements or operating conditions.

Env-Wq 1205.08 Signature Requirements for Reports and Applications. The reports and applications required by Env-Wq 1205.03(a), Env-Wq 1205.05(c), Env-Wq 1205.15, and Env-Wq 1205.06(a) and (c) shall be signed as follows:

- (a) If the SIU is a corporation, by a "responsible corporate official", which for the purpose of this paragraph means:
 - (1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operation facilities provided the manager:
 - a. Is authorized to make management decisions that govern the operation of the regulated facility including:
 - 1. Making major capital investment recommendations, and
 - 2. Initiating and directing environmental compliance measures;
 - b. Can ensure that the necessary systems are established or actions taken to gather complete

and accurate information for control mechanism requirements; and

- c. Has been assigned or delegated authority to sign documents in accordance with corporate procedures.
- (b) If the user is a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
- (c) By a duly authorized representative of an individual identified in (a) or (b) above if:
 - (1) The authorization is made in writing by the individual described in (a) or (b) above;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (3) The written authorization is submitted to the WRBP.
- (d) If an authorization under (c), above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization letter satisfying the requirements of (c), above, shall be submitted to the WRBP prior to or together with any reports to be signed by the new authorized representative.

Env-Wq 1205.09 Application Signatories and Certification Requirements for Reports. All applications or SIU reports required under this part shall:

- (a) Be signed pursuant to Env-Wq 1205.08; and
- (b) Contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to 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 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.”

Env-Wq 1205.10 Monitoring Records.

- (a) SIUs subject to IDP reporting requirements shall maintain all records of information resulting from monitoring activities required to prepare such reports.
- (b) Such records shall include for each sample taken:
 - (1) The date, method, location, and time of sampling and the name(s) of the person(s) taking the sample;
 - (2) The dates on which analyses were performed;
 - (3) The dates on which results of the analyses were received by the user;
 - (4) The name and address of the laboratory performing the analyses;
 - (5) The analytical techniques and methods used; and
 - (6) The results of all analyses.
- (c) Such records shall be maintained for a minimum of 3 years and shall be made available for inspection and copying by the WRBP.

Env-Wq 1205.11 Notice of Violation/Repeat Sampling and Reporting.

- (a) If sampling performed by an SIU indicates that a violation of its IDP has occurred, the SIU shall:
 - (1) Notify the WRBP within 24 hours of becoming aware of the violation; and
 - (2) Within 5 business days, submit a noncompliance report pursuant to Env-Wq 1205.15 fully describing the noncompliance, its causes, and the measures taken or to be taken to avoid recurrence.
- (b) Subject to (c), below, the SIU also shall immediately repeat the sampling and analysis and submit the results of the repeat analysis to the WRBP within 30 calendar days after becoming aware of the violation.
- (c) The SIU shall not be required to resample if:
 - (1) The WRBP performs sampling at the SIU at a frequency of at least once per month; or
 - (2) The WRBP performs sampling at the SIU between the time when the SIU performs its initial sampling and the time when the SIU receives the results of this sampling indicating that the violation occurred.

Env-Wq 1205.12 National Categorical Pretreatment Standards.

- (a) The WRBP shall notify SIUs of applicable categorical pretreatment standards.
- (b) Compliance with categorical pretreatment standards shall be achieved within 3 years of the date such standards become effective, unless a shorter compliance time is specified in the standards.
- (c) An SIU subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the POTW after the compliance date of such standards unless an amendment to its IDP that reflects the standards has been issued by the WRBP.
- (d) Within 120 days after the effective date of a categorical pretreatment standard, an SIU subject to such standards shall submit a discharge permit application for a new IDP or an amendment to the existing IDP. The application shall contain the information specified in Env-Wq 1205.03.
- (e) Compliance reports required by an IDP or Env-Wq 1205.03(d)(7) shall comply with Env-Wq 1205.13.

Env-Wq 1205.13 Compliance Schedules and Progress Reports.

- (a) Any user not meeting applicable national categorical pretreatment standards shall be subject to a compliance schedule as specified in this section.
- (b) A compliance schedule shall contain the following:
 - (1) A list of major events required for the construction and operation of such additional pretreatment facilities as are necessary to prevent a continuation or recurrence of the violation(s);
 - (2) A list of other actions, such as changes to policies or procedures, as are necessary to prevent a continuation or recurrence of the violation(s);
 - (3) Progress increments in the form of dates for the commencement and completion of the identified major events or other actions.
- (c) The major events identified in (b)(1), above, shall consist of:

- (1) Hiring an engineer;
- (2) Completing preliminary and final pretreatment plans;
- (3) Executing contracts for major components;
- (4) Commencing and completing construction; and
- (5) Start-up and shake-down of the pretreatment facility.

(d) Not later than 14 days following each date in the compliance schedule, including the final date for compliance, the user shall submit a progress report to the WRBP.

(e) Each progress report shall state whether or not the user achieved the increment of progress to be met on such date and, if not:

- (1) The date on which the user expects to comply with this increment of progress;
- (2) The reason for the delay; and
- (3) The steps being taken by the user to return the construction to the schedule established.

(f) No increment referred to in (b)(3) above shall exceed 9 months.

(g) Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new SIU within 90 days following introduction of wastewater into a public sewer, an SIU subject to pretreatment standards and requirements shall submit to the WRBP an application pursuant to Env-Wq 1205.03.

(h) The SIU's IDP shall be modified to include any compliance schedule prepared pursuant to this section.

Env-Wq 1205.14 Bypass, Slug Discharge, and Upset Notification and Requirements.

(a) The user shall immediately call and notify the WRBP in the event of a spill, slug discharge, pretreatment upset, or bypass.

(b) To facilitate the implementation of (a), above, the user shall:

- (1) Instruct all employees of the requirement to immediately notify the WRBP in the event of a spill, slug discharge, pretreatment upset, or bypass; and
- (2) Post a permanent notice that includes the WRBP's telephone number in a location that is plainly visible to the user's personnel responsible for managing wastewater discharges.

(c) A user may allow a bypass as defined in Env-Wq 1202.05 to occur, provided the bypass:

- (1) Does not cause pretreatment standards or requirements to be violated; and
- (2) Is unavoidable, as specified in (e), below.

(d) If a user knows in advance of the need for a bypass, the user shall submit a written notice to the WRBP at least 10 days before the date of the bypass.

(e) A bypass shall be deemed to be unavoidable if:

- (1) The bypass was necessary to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of one of the following:

- a. Auxiliary treatment facilities;
- b. A retention tank for untreated wastes; or
- c. Maintenance during normal periods of equipment downtime.

(f) The “no feasible alternative” provision of (e)(2), above, shall not be satisfied if back-up equipment could have been installed to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance.

(g) If necessary to comply with 40 CFR 403.8(f)(2)(vi), the WRBP shall require the user to develop, submit to the WRBP for approval based on those provisions, and implement an accidental discharge or slug discharge control plan.

(h) The plan required in (g), above, shall address, at a minimum, the following:

- (1) A description of discharge practices, including non-routine batch discharges;
- (2) A description of stored chemicals;
- (3) A procedure for immediately notifying the WRBP of any accidental or slug discharge; and
- (4) A procedure to prevent an adverse impact from any accidental or slug discharge.

(i) A management plan for addressing (h)(4), above, shall include provisions for the following:

- (1) The inspection and maintenance of storage areas;
- (2) The handling and transfer of materials;
- (3) Loading and unloading operations;
- (4) The control of plant site runoff;
- (5) Worker training;
- (6) The building of containment structures or equipment;
- (7) Measures for containing toxic organic pollutants, including solvents;
- (8) Measures and equipment for emergency response; and
- (9) Such other provisions as the user deems necessary.

(j) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof on the issue of whether the bypass was unavoidable.

(k) Users shall control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility or loss of the primary source of power to the facility until the facility or power thereto is restored or an alternate method of treatment is provided.

(l) A user shall notify the WRBP immediately of any changes at its facility affecting the potential for a slug discharge.

Env-Wq 1205.15 Reports of Noncompliance.

(a) The user shall provide notice to the WRBP in accordance with this section in the event of any of the following:

- (1) A discharge violation detected through analysis;
 - (2) Unanticipated bypass or slug discharge; or
 - (3) Upset that exceeds applicable pretreatment standards.
- (b) When required to notify the WRBP, the user shall provide the following:
- (1) Oral notice by telephone within 24 hours of the time the user becomes aware of the event; and
 - (2) A written report within 5 business days of the time the user becomes aware of the noncompliance.
- (c) The written report required by (b)(2), above, shall include:
- (1) A description of the event and its cause;
 - (2) The duration of the event, including exact dates and times;
 - (3) If the event has not been corrected, the anticipated time it is expected to continue; and
 - (4) Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

Env-Wq 1205.16 Imminent Endangerment.

- (a) The WRBP shall, after notice by telephone or in person to the user, immediately halt or prevent any discharge that appears to the WRBP to present:
- (1) An imminent endangerment to the health and welfare of any person;
 - (2) An endangerment to the environment; or
 - (3) A threat of interference with the operation of the POTW.
- (b) Actions available to the WRBP shall include but shall not be limited to:
- (1) Seeking ex parte temporary judicial injunctive relief;
 - (2) Blocking a public sewer to halt such discharge; or
 - (3) Demanding that the user take specific action to prevent or halt the discharge.

Env-Wq 1205.17 Monitoring and Surveillance.

(a) The WRBP shall sample and analyze the wastewater discharges of users and conduct surveillance and inspection activities to identify, independently of information supplied by each user, occasional and continuing noncompliance with industrial pretreatment standards. As required by the WRBP's NPDES permit, all users shall grant unrestricted access to department and EPA personnel for the purposes of investigating and sampling discharges from the users.

(b) Wastewater monitoring and flow measurement facilities shall be operated and maintained in accordance with the manufacturer's requirements. The failure of the user to maintain its wastewater monitoring and flow measurement facilities in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) All compliance reports shall be based upon data obtained through sampling and analysis performed during the period covered by the report.

(d) The WRBP shall establish the frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(e) Grab samples shall be used to monitor pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For all other pollutants, 24-hour composite samples shall be obtained through flow-proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the WRBP. Where time-proportional composite sampling or grab sampling is authorized by the WRBP, the samples shall be representative of the discharge and the decision to allow the alternative sampling shall be documented in the industrial user file for that facility or facilities.

(f) Multiple grab samples collected during a 24-hour period shall be composited prior to the analysis using protocols, including appropriate preservation, specified in 40 CFR Part 136 and appropriate EPA guidance, as follows:

- (1) For cyanide, total phenols, and sulfides the samples shall be composited in the laboratory or in the field;
- (2) For volatile organics and oil & grease the samples shall be composited in the laboratory; and
- (3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies shall be authorized by the WRBP in accordance with 40 CFR 403.12(g)(3).

(g) For facilities for which historical sampling data do not exist and for which sampling in support of baseline monitoring pursuant to 40 C.F.R. 403.12(b) and 90-day compliance reports, pursuant to 40 C.F.R. 403.12(d) are required, a minimum of 4 grab samples shall be used for pH, cyanide, total phenols oil and grease, sulfide and volatile organic compounds.

(h) For facilities for which historical sampling data are available, the WRBP shall proceed in accordance with 40 CFR 403.12(g)(4).

(i) For the periodic reports compliance and reports for industrial users not subject to categorical pretreatment standards, the WRBP shall establish the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

Env-Wq 1205.18 Waiver.

(a) No statement contained in the sewer use rules shall be construed as preventing any waiver pursuant to Env-Wq 305 between the WRBP and any user whereby the WRBP agrees to accept an industrial waste that otherwise would be prohibited by these rules for treatment, provided that such waivers meet the conditions set forth in (b), below.

(b) A waiver shall be granted if it:

- (1) Does not violate any requirements of existing federal or state laws and/or regulations promulgated thereunder;
- (2) Is compatible with any user charge system in effect;
- (3) Does not damage the POTW; and
- (4) Does not waive applicable national categorical pretreatment standards except as specified in 40 CFR 403.12(e)(2).

Env-Wq 1205.19 Public Information. Information and data submitted to the WRBP relating to wastewater discharge characteristics shall be available to the public in accordance with RSA 91-A. Other

such information shall be available to the public at least to the extent provided by 40 CFR Section 2.302 and Env-Wq 1205.20.

Env-Wq 1205.20 Confidential Information.

(a) Subject to (b), below, information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and WRBP inspection and sampling activities shall be available to the public without restriction.

(b) A user may specifically request that information that would divulge information that is entitled to protection as trade secrets under applicable federal or state law not be treated as public information.

(c) Any such request for confidentiality shall be asserted at the time of submission of information by stamping the words “confidential business information” on each page containing such information.

(d) When requested and demonstrated by the user that such information should be held confidential, the portions of the report that might disclose trade secrets or secret processes:

- (1) Shall not be made available for viewing or copying by the public pursuant to 40 CFR part 2 or RSA 91-A;
- (2) Shall be made available upon request to government agencies for uses related to the NPDES program or pretreatment program; and
- (3) Shall be made available to enforcement proceedings involving the person who furnished the report.

(e) Wastewater constituents and characteristics and other effluent data as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

PART Env-Wq 1206 COMMERCIAL DISCHARGE PERMITS

Env-Wq 1206.01 Applicability. This part shall apply to any person proposing a commercial discharge to the POTW and any person who receives a permit for a commercial discharge to the POTW.

Env-Wq 1206.02 Commercial Discharge Permit Requirement.

(a) No person shall connect a facility that will produce a commercial discharge (“commercial facility”) to the POTW without a valid commercial discharge permit (CDP).

(b) Obtaining a CDP shall not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

Env-Wq 1206.03 CDP Application and Approval.

(a) Any person proposing to begin or recommence a commercial discharge to the POTW shall provide the following to the WRBP on a “Commercial Discharge Permit Application” obtained from the WRBP or the community in which the discharge is proposed:

- (1) Approval from the community in which the discharge is proposed, as specified in (c), below; and
- (2) The information specified in, (d), below.

(b) A commercial discharge permit application shall be filed with the WRBP at least 30 days prior to the date upon which any discharge will begin or recommence.

(c) A commercial discharge application contain the following information provided by a municipal official from the community in which the discharge is proposed:

- (1) The name of community;
- (2) The name of the applicant or business name or a description of the proposed project associated with the proposed discharge;
- (3) Previously permitted flow history, if applicable;
- (4) The total flow to be discharged, including sanitary and commercial wastes;
- (5) The name, title, and signature of the authorized community official, certifying that:
 - a. The application is complete;
 - b. The municipal sewage collection system has no history of surcharges;
 - c. There is no record of objections to the application from persons presently connected to the system;
 - d. The proposal has been approved by the applicable local authorities;
 - e. The municipality has evaluated and approved the proposed discharge; and
 - f. The proposed discharge complies with applicable local sewer ordinances and this chapter.

(d) An applicant for a CDP shall provide the following information to both the community and the WRBP either on or attached to the application:

- (1) The name, street address, and mailing address of the applicant;
- (2) The tax map and lot number of the location at which the commercial discharge is proposed;
- (3) The name, title, email address, and daytime telephone number of:
 - a. The primary contact person or owner of the commercial facility; and
 - b. The responsible official who has signed certified the permit application pursuant to Env-Wq 1206.08 and Env-Wq 1206.09;
- (4) The type of business, commercial enterprise, or activity to be covered by the CDP, including the products or services offered and the NAICS code, if applicable;
- (5) A description of any existing or proposed pretreatment devices and, if applicable, the proposed service and maintenance schedule associated with the devices and a description of how waste from such devices is disposed;
- (6) A list of all chemicals proposed to be used at the commercial facility and copies of the Safety Data Sheets (SDS) for all such chemicals;
- (7) A list of all environmental permits held by or on behalf of the commercial facility; and
- (8) A location map of the site including GPS coordinates.

(e) If the WRBP determines that additional information is necessary to fully assess the proposed discharge:

- a. The WRBP shall request such additional information within 30 days of receipt of the application, as specified in RSA 541-A: 29; and

b. The applicant shall provide the additional information to the WRBP within 30 days of the request.

(f) The application shall contain the certification statement in Env-Wq 1206.09 signed by the owner or an individual authorized by the owner to sign the statement, as specified in Env-Wq 1206.08.

Env-Wq 1206.04 CDP Duration.

(a) Subject to (b), below, a CDP shall not expire.

(b) A CDP shall terminate upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided at least 30 days in advance.

(c) The notice required by (b), above, shall include a written certification that:

- (1) States that the new property owner or new operator, as applicable, has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer of ownership is to occur; and
- (3) Acknowledges full responsibility for complying with the existing permit conditions and these rules.

Env-Wq 1206.05 CDP Contents.

(a) The CDP shall identify the general and specific conditions under which the waste from the commercial facility shall be acceptable for discharge to the POTW.

(b) The CDP shall require the owner of the commercial facility to file a report with the WRBP and the community in which the facility is located every 3 years from the date of issuance of the CDP.

(c) The report required by (b), above, shall:

- (1) Indicate whether there have been any changes to the facility's operations and, if so, the nature of the changes; and
- (2) Be certified in accordance with Env-Wq 1206.09.

Env-Wq 1206.06 Change in Discharge.

(a) A commercial facility proposing a new discharge or a change in quantity of its existing discharge shall obtain a new discharge permit application from the community in which the discharge is proposed and submit the completed application to the WRBP at least 30 days prior to the commencement of such discharge.

(b) If the new or modified/increased discharge requires the construction and installation of additional treatment devices, the owner of the facility shall submit to the WRBP plans and specifications of the proposed pretreatment facility. If designing the proposed pretreatment facility constitutes the "practice of engineering" as defined in RSA 310-A:10, 2, III, the plans and specifications shall be stamped by a professional engineer licensed to practice in the state of New Hampshire.

Env-Wq 1206.07 CDP Modification. The WRBP shall, after notice and opportunity for a hearing in accordance with RSA 541-A:30 and Env-C 200, modify a CDP for good cause, including the following:

- (a) To incorporate any new or revised federal, state, or local standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or quality since the time of CDP issuance;

- (c) A change in the WRBP's NPDES permit requirements;
- (d) Information indicating that the permitted discharge poses a threat to the POTW, community or WRBP personnel, or the surface water quality in the receiving stream;
- (e) Misrepresentations or failure to fully disclose all relevant facts in the CDP application or in any required reporting;
- (f) To correct typographical or other errors in the CDP;
- (g) To reflect a transfer of the facility ownership or operation to a new owner or operator; or
- (h) Any other reasons that would require a modification of the permit to accurately reflect then-current requirements or operating conditions.

Env-Wq 1206.08 Signature Requirements for Reports and Applications.

- (a) Subject to (b), below, the application and reports required by Env-Wq 1206.03 and Env-Wq 1206.05, respectively, shall be signed by the owner of the commercial facility.
- (b) The application and reports may be signed by a duly-authorized representative of the owner of the commercial facility if:
 - (1) The authorization is made in writing by the owner;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the commercial facility or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (3) The written authorization is submitted to the WRBP prior to or with the first document signed by the representative.
- (c) If an authorization under (b), above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization letter satisfying the requirements of (b), above, shall be submitted to the WRBP prior to or with any reports to be signed by the new authorized representative.

Env-Wq 1206.09 Application Signatories and Certification Requirements for Reports. All applications and reports required under this part shall:

- (a) Be signed pursuant to Env-Wq 1206.08; and
- (b) Contain the following certification statement:

“I certify under penalty of law that the information in this document and any attachments hereto 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 fines and imprisonment for knowing violations.”

PART Env-Wq 1207 ADMINISTRATIVE ENFORCEMENT PROCEDURES

Env-Wq 1207.01 Penalties. Any person who is subject to these rules shall be subject to the enforcement and penalty provisions as set forth in RSA 485-A:54.

PART Env-Wq 1208 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

Env-Wq 1208.01 Publication. The WRBP shall publish annually, in a newspaper of general circulation within the jurisdictions served by the POTW, a list of SIUs that, during the previous 12 months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements.

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule	Statute(s) Implemented	Federal Regulations Implemented
Env-Wq 1200 (also see parts and sections listed below)	RSA 485-A:45-54; RSA 149-I	
Env-Wq 1201	RSA 485-A:45-54	40 CFR 403.1
Env-Wq 1202	RSA 485-A:45-54	40 CFR 403.3
Env-Wq 1203.01 – 1203.02	RSA 147:8; RSA 149-I:6; RSA 485-A:45-54	
Env-Wq 1203.03 – 1203.14	RSA 485-A:5; RSA 149-I:6; RSA 485-A:45-54	40 CFR 403.5
Env-Wq 1204.01 – 1204.03	RSA 485-A:5; RSA 149-I:6; RSA 485-A:45-54	
Env-Wq 1204.04	RSA 149-I:10; RSA 485-A:51	
Env-Wq 1204.05 – 1204.11	RSA 485-A:50; RSA 149-I:7; RSA 149-I:8	
Env-Wq 1205	RSA 147:8; RSA 149-I:6; RSA 485-A:45-54	40 CFR 403.8 40 CFR 403.12
Env-Wq 1206	RSA 147:8; RSA 149-I:6; RSA 485-A:45-54	
Env-Wq 1207	RSA 485-A:54	
Env-Wq 1208	RSA 485-A:54	40 CFR 403.12

APPENDIX B: STATUTORY DEFINITIONS

RSA 485-A:2:

VI. “Industrial waste” means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources.

VII-a. “Operator” means:

- (a) The individual who has full responsibility for the daily operation of a wastewater treatment plant or a pollution control facility;
- (b) The individual normally responsible for the operations shift; or
- (c) Individuals who perform important operating functions.

VIII. “Other wastes” means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life.

IX. “Person” means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

IX-a. “Septage” means material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste and any other sludge.

X. “Sewage” means the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.

XVI-a. “Wastewater treatment plant” means the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical, or bacteriological quality of the wastewater and which dewater and handles sludge removed from the wastewater.

XVII. “Bypass” means the intentional diversion of waste streams from any portion of the wastewater facilities.

XVIII. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee.

RSA 125-N:2:

VIII. “Medical/infectious waste” means any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Medical/infectious waste does not include any hazardous waste regulated under RSA 147-A.

APPENDIX C: FEDERAL DEFINITIONS

40 CFR 122.2:

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

(a) Sewage from vessels; or

(b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Note:

Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes. See *Train v. Colorado Public Interest Research Group, Inc.*, 426 U.S. 1 (1976).

40 CFR 403.3:

(v) *Significant Industrial User.*

(1) Except as provided in paragraphs (v)(2) and (v)(3) of this section, the term Significant Industrial User means:

(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

(ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (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 Treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

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

(i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(3) Upon a finding that an Industrial User meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

APPENDIX D: INCORPORATION BY REFERENCE INFORMATION

Rule	Title (Date)	Obtain at:
Env-Wq 1205.03(e)	“Gravity Sanitary Sewer Design and Construction”, Manual of Practice No. FD-5, Second Edition, 2007, published by the American Society of Civil Engineers (ASCE) and the Water Environment Federation (WEF)	Water Environment Federation 601 Wythe Street Alexandria, VA 22314-1994 Phone: 1-800-666-0206 Or online at: https://www.techstreet.com/standards/asce-manual-of-practice-no-60-wef-manual-of-practice-no-fd-5?product_id=1377545 \$100.00