

CHAPTER 13

SEWER USE ORDINANCE

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

Be it ordained and enacted by the Selectmen of the Town of Littleton, County of Grafton, State of New Hampshire, by the authority granted them through RSA 149-I:24 adopted at the 1990 Town Meeting, as follows:

Article I

Definitions

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

Section 1. "Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

Section 2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 4. "Bypass" shall mean the intentional diversion of waste streams from any portion of a wastewater treatment facility.

Section 5. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

Section 6. "Domestic wastewater," or "sanitary sewage," shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

Section 7. "Floatable oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Section 8. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Section 9. "Industrial User" shall mean a person who discharges industrial wastes to the sanitary sewer of the Town.

Section 10. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 11. "Interference" shall mean a Discharge of an Industrial User which, alone or in conjunction with discharges by other source, inhibits or disrupts the Publicly Owned Treatment Works (POTW), its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with ground water protection rules, Ws 410, solid waste rules, He-P 1905 and Appendix III, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

Section 12. "May" is permissive (see "shall", Sec. 25).

Section 13. "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulations containing pollutant discharge limits promulgated by USEPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C.1347), which apply to a specific category of industrial users and which are found in the Code of Federal Regulations 40 CFR, Subchapter N, parts 401 through 471.

Section 14. "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or ground water.

Section 15. "Pass through" shall mean the discharge of pollutants through the POTW into surface waters in quantities or concentrations, which along or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's National Pollutant Discharge Elimination System. NPDES permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

Section 16. "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or other entity.

Section 17. "pH" shall mean the logarithm of the reciprocal of the hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Section 18. "POTW or Publicly Owned Treatment Works" shall mean a wastewater treatment works, which is owned by a State or a municipality. This definition includes any devices and systems used in the storage treatment recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to POTW wastewater treatment works. The term also means the municipality, which has jurisdiction over discharges to

and the discharges from such a treatment works.

Section 19. "Properly shredded garbage" shall mean the animal or vegetable wastes from the preparation, cooking, and dispensing foods that have been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

Section 20. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Section 21. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admittedly intentionally.

Section 22. "Screening level" means that concentration of a pollutant which under baseline conditions, would cause a threat to personnel exposed to the pollutant, or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

Section 23. "Septage" is waste, both liquid and solid, that has undergone the process of purification within the confines of a septic tank.

Section 24. "Sewage" is the spent water of a community. The preferred term is "wastewater", Sec. 31.

Section 25. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

Section 26. "Sewer Service Area" shall mean any structure within 100 feet of a publicly owned sewer line.

Section 27. "Shall" is mandatory (see "may", Sec. 12).

Section 28. "Significant industrial user" shall mean all industrial users subject to categorical pretreatment standards, any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the Control Authority (EPA) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.

Section 29. "Slug" shall mean any discharge of waster or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation or which shall adversely affect the collection system and/or performance of the wastewater treatment works.

Section 30. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water

from any source.

Section 31. "Superintendent" shall mean the Superintendent of Public Works of the Town of Littleton, or his authorized deputy, agent, or representative.

Section 32. "Suspended solids" (SS) shall mean a total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removed by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

Section 33. "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 34. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Section 35. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Section 36. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment facility" or "water pollution control plant".

Section 37. "Waste-course" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 38. "WSPCD" shall mean the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

Article II

Use of Public Sewers Required

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

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

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the

disposal of wastewater within the sewer service area.

Section 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Littleton and abutting on any street, alley, or right-of-way in which a public sanitary sewer of the Town is located, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the said house or building. The provisions of this section shall be waived for existing septic systems within the current sewer service area. As these systems fail, they shall be required to connect to the public sanitary sewer system. *(Amended 9/8/04)*

Article III

Private Wastewater Disposal

Section 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

Section 2. Before issuance of a building permit and commencement of a construction of a private wastewater disposal system the owner(s) shall first obtain design approval from the Water Supply and Pollution Control Division (WSPCD) of the New Hampshire Department of Environmental services.

Section 3. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the Water Supply and Pollution Control Division (WSPCD).

Section 4. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or removed. Septic systems within the sewer service area at the date of passage of this ordinance will be required to connect to the public sanitary sewer system when the septic system fails to operate properly.

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

Section 6. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer pursuant to RSA 147:8.

Article IV

Building Sewers and Connections

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

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential service producing only domestic wastewater, and (b) for service to non-residential establishments wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town of Littleton. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent of Public Works. A permit and inspection fee is required as described in Appendix I and shall be paid to the Town of Littleton at the time the application is filed.

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

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

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

Section 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing or the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the materials and procedures set forth in appropriate specifications of the American Society of Tests and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9, including any amendments thereto, shall apply.

Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at owners expense.

Section 8. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the

ASTM and the WEF Manual of Practice No. FDE-5. All such connections shall be made gas-tight and water-tight and verified by proper testing. All connections shall be protected from backflow with an approved backflow device. Any deviation from the prescribed procedures and materials must be approved by the director of public works (or his designee) before installation. *(Amended 9/8/04)*

Section 10. The applicant for the building sewer permit shall notify the Superintendent of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent of Public Works or his representative.

Section 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Littleton at the expense of the owner.

Section 12. Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume, or in the strength or character of pollutants that are discharged beyond limits previously permitted into the system shall notify the Superintendent of Public Works at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharges must be approved by the Water Supply and Pollution Control Division.

Article V

Use of the Public Sewers

Section 1. No person(s) shall discharge or cause to be discharged to the wastewater facilities any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or non-contact cooling water.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the Superintendent of Public Works. Industrial cooling water or process waters require an New Hampshire Department of Environmental Services (NHDES) permit prior to discharge to a storm sewer or natural outlet.

Section 3

- I. Pollutants introduced into the sanitary sewer by an industrial user shall not pass through or interfere with operation or performance of the POTW.
- II. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - A. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR 261.21.

- B. Any Industrial wastes including oxygen demanding wastes (BOD, etc.) at a flow rate and/or concentration which would cause interference with the wastewater treatment works, constitute a hazard to humans or animals, create a public nuisance, exceed any applicable National Categorical Pretreatment Standards, or cause pass through.
- C. Any waters or wastes having pH lower than 5.0 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104F (40C) or cause inhibition of biological activity in the POTW.
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- G. Pollutants, which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Section 4. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitutes a nuisance. The Superintendent of Public Works may set limitations lower than the limitations that are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent of Public Works will give consideration to such as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The Superintendent of Public Works shall not permit those discharges, which are prohibited by Section 3 of this Article. The limitations or restrictions on materials or characteristics of wastewaters discharged to the sanitary sewer which shall not be exceeded without approval of the Superintendent of Public Works are as follows:

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

- II. Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by paragraph A of this Section.
- III. Any garbage that has not been properly connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- IV. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Superintendent of Public Works, the WSPCD, or the National Categorical Pretreatment Standards, as promulgated by the U.S. Environmental Protection Agency, for such materials.
- V. Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Superintendent of Public Works.
- VI. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent of Public Works in compliance with applicable state or federal regulations.
- VII. Quantities of flow, concentration, or both which constitute a "slug" as defined herein.
- VIII. Waters or wastes containing substances, which are not amenable to treatment by the wastewater treatment processes, employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the permitted discharge.
- IX. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- X. Wastewater with any of the any constituent at concentrations greater than those set by the Superintendent of Public Works.
- XI. Wastewater, which has a concentration of any pollutant above the screening levels, set by the Superintendent of Public Works. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present.

Section 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics

enumerated in Section 4 of this Article, and which in the judgment of the Superintendent of Public Works, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent of Public Works may, subject to imitations in Sections 3 and 11 of this Article:

- I. Reject the wastes;
- II. Require pretreatment to an acceptable condition for discharge to the public sewers;
- III. Require control over the quantities and rates of discharge; and/or D below
- IV. Require payment to cover added cost of handling and treating the wastes. If the Town permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Town and the WSPCD, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected to sanitary sewer until said approval is obtained in writing. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire.

Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent of Public Works, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 4 (B), or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent of Public Works, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent of Public Works. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. The Town Health Officer shall have the authority to inspect said interceptors and perform any other duties as proscribed by Federal, State or Local law.

Section 7. All industrial waste shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable National Categorical Pretreatment Standards, state pretreatment standards or standards established by the Superintendent of Public Works, whichever is more stringent. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

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

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

All industrial users shall perform such monitoring as the Superintendent of Public Works or duly authorized employees of the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over discharges to the receiving waters.

- I. Section 9. The Superintendent of Public Works may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:
- II. Wastewater discharge peak rates and volume over a specified time period.
- III. Chemical analyses of wastewaters
- IV. Information on raw materials, processes, and products affecting wastewater volume and quality.
- V. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- VI. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- VII. Plans & specifications of wastewater pretreatment facilities.
- VIII. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

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

Section 11. No statement contained in this article, except for Section 3, shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated there under, are compatible with any sewer Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

Section 12. Septage may be accepted into the sewer system at a designated receiving structure within the treatment plant area or any other area designated by the Superintendent of Public Works for such purposes, and at such times as are established

by the Superintendent of Public Works, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any other special requirements established by the Town. Permits to use such facilities shall be under the jurisdiction of the Superintendent of Public Works. The discharge of industrial wastes as "industrial Septage" requires prior approval by the WSPCD. Fees for dumping Septage will be established as part of the User Charge System. The sewage treatment plant operator acting on behalf of the Town of Littleton and its Board of Selectmen shall be in conformance with the operating policy of the Superintendent of Public Works and disposal shall be accomplished under his supervision unless specifically permitted otherwise.

Littleton need not accept Septage if it would interfere with proper operation of the municipal treatment and disposal facilities (as per RSA 486:13).

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

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

Section 15. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The industrial user shall notify the Superintendent of Public Works immediately in the event of any bypass.

Section 16. A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges which shall instruct all employees whom to call in the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall insure that all employees who may cause or suffer such a discharge to occur, know of the required notification of the Superintendent of Public Works.

Section 17. If sampling performed by an industrial user indicates a violation, the user shall notify the Sewage Treatment Plant Operator immediately upon becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Sewer Plant Operator within 30 days after becoming aware of the violation, except that the Industrial User is not required to resample if:

- I. The Town of Littleton performs sampling at the Industrial User at a frequency of at least once per month, or
- II. The Town of Littleton performs sampling at the Industrial User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

ARTICLE VI

INDUSTRIAL PRETREATMENT

Section 1. Applicability. All persons discharging industrial process wastes into public or private sewers connected to the Town's wastewater facilities, shall comply with applicable requirements of federal and state industrial pretreatment regulations (as amended), in addition to the requirements of these INDUSTRIAL PRETREATMENT RULES.

Section 2. Industrial Discharge Permit (IDO)

- I. IDP Required. Effective 120 calendar days after this provision is adopted by the Town, the discharge of any industrial waste to the Town's wastewater works or to a public or private sewer connected to the Town's wastewater facilities is prohibited without a valid Industrial Discharge Permit (IDP).
- II. IDP Application. Within 60 days after the effective date of these INDUSTRIAL PRETREATMENT RULES, and subsequently when required by the Town, persons subject to these rules shall submit an application for an IDP containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, as a minimum, shall include:
 - A. The name and address of the facility, including the name of the operators and owners.
 - B. A list of all environmental permits held by or for the facility.
 - C. A brief description of the nature, average rate of production, and the Standard Industrial Classification of the operations carried out at such facility.
 - D. An identification of the categorical pretreatment standards applicable to each regulated process.
 - E. An analysis identifying the nature and concentration of pollutants in discharge.
 - F. Information showing the measured averaged daily an maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
 - G. A schedule of actions to be taken to comply with discharge limitations.
 - H. Additional information as determined by the Town may also be required.
 - I. Any other information which may be needed to meet the baseline monitoring requirements applicable to industrial users subject to National Categorical Pretreatment Standards.
- III. Provisions. The IDP will outline the general and specific conditions under which the industrial waste is accepted for treatment at the Town's

wastewater treatment plant. Specifically, included in the Agreement are the following:

- A. Pretreatment and self-monitoring facilities required.
- B. Type, and number of samples, and sampling frequency required.
- C. Effluent limitations on the Industrial process waste.
- D. Reporting Requirements:
 - 1. Industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if no, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Town.
 - 2. If an additional user subject to the reporting requirements in the previous paragraph of this section monitors any pollutant more frequently than required by the Town, using procedures prescribed in Article V, Section 10, the results of this monitoring shall be included in the report.
- E. Monitoring Records:
 - 1. Industrial users subject to the reporting requirements under this Section shall maintain records of information resulting from monitoring activities required to prepare such reports. Sub records shall include for each sample:
 - a) The date, exact place, method and time of sampling and the names of person or persons taking the sample;
 - b) The dates analysis were performed;
 - c) The laboratory performing the analysis;
 - d) The analytical techniques and methods used; and
 - e) The results of such analysis.
 - 2. Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Town.
- F. Additional Conditions:
 - 1. The Permit will be in effect for one year, and will be automatically renewed for one-year periods by issuance, on the anniversary, of a

revised page or complete IDP, unless the applicant is notified otherwise by the Town.

2. The Permit is non-transferable, and may be revoked by the Town for non-compliance, or modified so as to conform to discharge limitation requirements that are enacted by Federal or State Rules and/or Regulations.
 3. An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDP Application to the Town at least 60 prior to the commencement of such discharge. The submitted Application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the Application by the Town, a discharge Permit Request is submitted by the community to the WSPCD on behalf of the industry. Upon approval of the Discharge Permit Request by WSPCD, the industry and the Town will enter into a new or amended IDP in accordance with the procedure outlined in this subpart.
 4. Industrial users will be assessed an annual fee by the Town to defray the administrative costs of the IDP program.
- IV. Signature for reports. The reports required by Section 2, B, Section 2, C, 4, a and Section 3, subsections E and F, shall include the certification as set forth in Section 2, E, and shall be signed as follows:
- A. By a responsible corporate officer, if the industrial user submitting the reports required by this Ordinance is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 1. A president, secretary, treasurer or vice president of the corporation or
 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with procedures.
 - B. By a general partner or proprietor if the industrial user submitting the reports required by this ordinance is a partnership or sole proprietorship respectively.
 - C. By a duly authorized representative of the individual designated in paragraph (1) or (2) of this sub-section if:
 1. The authorization is made in writing by the individual described in paragraph (1) or (2).
 2. The authorization specified either an individual or a position having the 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 Town.

D. If an authorization under paragraph (3) of this sub-section is no longer accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this sub-section must be submitted to the Town prior to or together with any reports to be signed by an authorized representative.

V. Certification. All reports required to be signed as specified in Section 2, D shall include the following certification:

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

Section 3. National Categorical Pretreatment Standards

- A. Notification. The Town shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- B. Compliance Date for Categorical Standards. Compliance with Categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance time is specified in the standards.
- C. Amendment to IDP Required. An Industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to Town wastewater facilities after compliance date of such standards unless Amendment to its IDP has been issued by the Town.
- D. Application for IDP Amendment. Within 120 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP Amendment. The application shall contain the information noted under Section 2 (B) of this Article.
- E. Categorical Compliance Schedule Reports. Each user subject to a compliance schedule as required under Article VI, Section 2, B, &, or federal regulation 40 CFR 403.12 (b) (7), shall report on progress toward meeting compliance with these regulations as follows:

- A. Not later than 14 days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the Town indicating whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for delay, and the steps taken by the industrial user to return progress to the schedule established.
 - B. The time for any increment in the schedule, or the interval between reports required in paragraph (1), shall not exceed 9 months. An increment is the time between the dates for commencement and completion of major events leading to the construction and operations of pretreatment facilities necessary to achieve compliance with this ordinance and national categorical pretreatment standards.
 - F. Report on Compliance with Categorical Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into Town sewer, any industrial user subject to pretreatment standards and requirements shall submit to the Town a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative (see Section 2, D) and certified by a qualified professional engineer.
- Sec. 4 Slug Discharge Notification. All industrial users shall notify the Operator immediately of all discharges which could cause problems to the wastewater treatment facilities, including any slug loadings as defined in Section 28, Article I. Within five days of the unallowed discharge, the industrial user shall provide the Operator with a written report fully describing the unallowed discharge, the pollutants involved, the cause of the unusual discharge and the measures taken to avoid recurrence of the unallowed discharge.
- Sec. 5 Imminent Endangerment. The town may, after informal notice to the industrial user discharging wastewater to the public sewer immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town in response to violations of this ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by industry.
- Sec. 6 Monitoring and Surveillance. The Town shall as necessary sample and analyze the wastewater discharges of contributing industrial users and conduct surveillance and inspection activities to identify, independently of information supplied by such industrial users, occasional and continuing non-compliance

with industrial pretreatment standards. Each industrial user shall allow unrestricted access by the Town, WSPCD, and EPA personnel for the purpose of investigating and sampling discharges from industries.

- Sec. 7 Investigations. The Town shall investigate instances of non-compliance with industrial pretreatment standards and requirements.
- Sec. 8 Public Information. Information and data submitted to the Town under this part relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 12.302.
- Sec. 9 Public Participation. The Town shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements. A list of significant violators shall be published in a local paper at least annually.

ARTICLE VII
Powers and Authority of Inspectors

- Sec. 1 The Superintendent of Public Works and other duly authorized employees of the Town of Littleton bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, inspection and copying of records and testing pertinent to discharge to the wastewater facilities, in accordance with the provisions of this chapter.
- Sec. 2 The Superintendent of Public Works or other duly authorized employees are authorized to obtain information concerning industrial processes, which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The burden of proof that information should be held confidential rests with the industrial user. However, information about wastewater discharged by the industrial user (flow, constituents, concentrations, characteristics and similar information) shall be available to the public without restriction.
- Sec. 3 While performing the necessary work on private properties referred to in Article VII, Section 1, above The Superintendent of Public Works or duly authorized employees of the Town shall observe all safety rules applicable to the premises, established by the company. The company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

ARTICLE VIII
Penalties

- Sec. 1 No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.
- Sec. 2 Any person found to be violating any provision of this ordinance except Section 1 of this Article shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Town may, after informal notice to the person discharging wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Town in response to violations of this Ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.
- Sec. 3 Any person found to be violating any provisions of this chapter except Section 1 of this Article shall be fined in the amount not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate offense. The Town shall give notice to of the alleged violation to the Division of Water Supply and Pollution Control within 10 days of noticing the violator.
- Sec. 4 Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

ARTICLE IX
Validity

- Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2 The invalidation by a court of law of any section, clause, sentence, or provision of this chapter, including associated appendices and exhibits, shall not affect the validity of any other part of this chapter.

ARTICLE X
Chapter in Force

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

Duly enacted and ordained this 8 day of May, 1995 by the Board of Selectmen of the Town of Littleton, County of Grafton, State of New Hampshire, at a duly noticed and duly held public meeting.

Amended by the Board of Selectmen of the Town of Littleton, County of Grafton , State of New Hampshire, at a duly noticed and duly held public meeting held September 8, 2004.

Burton Ingerson, Selectman Date Witness

William Hight, Selectmen Date Witness

George Hicks, Selectmen Date Witness

Adopted May 8, 1995
REVISED April 6, 1995
AMENDED September 8, 2004

Appendix I
Connection Fees

Sec. 1 The following fees are based on the size of the installed water meter and shall be assessed to all connections to the sanitary sewer system that have not been assessed the minimum usage charge:

5/8"	- \$ 1,450.
3/4"	- \$ 6,900.
1"	- \$ 13,800.
1 1/2"	- \$ 23,000.
2"	- \$ 36,485.
3"	- \$ 72,965.
4"	- \$114,210.
6"	- \$228,415.
8"	- \$365,620.
10"	- \$525,430.
12"	- \$965,205.

Sec. 2 Upgrades in the size of a water meter shall be assessed a sewer connection fee. Said fee shall be equal to the connection fee listed in Section 1 of this Appendix for the new meter size minus the connection fee listed in Section 1 of this Appendix for the old meter size.

Example:	New meter Size is 3"	\$72,965
	Old Meter Size is 2"	- <u>\$36,485</u>
	Upgrade Connection Fee	= \$36,480

Sec. 3 The Town of Littleton shall review water usage for each sewer user annually for the purpose of assessing additional fees for sewer usage. The annual water usage for each sewer user shall be divided by 365 in order to calculate the *Average Daily Usage (ADU Present)* for the year in question (i.e. 1994s ADU Present usage shall be calculated in the first quarter of 1995).

The *1993 Average Daily Usage (ADU Past)* for each individual water user shall be the initial baseline. ADU Past shall be calculated by dividing the total water usage for a property during 1993 by 365. ADU Past shall be updated as described in this section. When a new meter is installed, either through new construction or an upgrade, first calendar year of service with the new meter shall establish a baseline for the sewer user in question. This baseline for new or upgraded meters shall be ADU Past for the property in question.

If (ADU Present) – (ADU Past) ≥ 30.1 Cubic Feet per Day, then a fee shall be assessed using the following formula:

$$\frac{(\text{ADU Present}) - (\text{ADU Past})}{30.1 \text{ Cubic Feet}} \times \$1,450 = \text{FEE DUE}$$

When a fee is assessed to a sewer user, ADU Present shall become the new baseline for that user (i.e. ADU Present shall become ADU Past for the property in question).

Exceptions may be made to the assessment of a fee, due to this section, in the case of a sewer user involved in the Littleton Water & Light Department running water program to prevent winter freezing. Exceptions shall be approved by the Selectmen.

- Sec. 4 Anyone desiring to make a connection to the Littleton Sanitary Sewer System shall complete an application for said connection. Applicants shall receive written documentation from Littleton Water & Light Department indicating the water meter size to be installed. The connection fee shall be paid in full by applicant before a building permit is issued or any work is performed to make said sewer connection.
- Sec. 5 All connection fees shall be accounted for separately by the Town. Said funds, including any interest earned through the deposit of said funds, shall be used solely for the construction or reconstruction of wastewater facilities that provide additional capacity to the system and/or upgrades the system to the next level of treatment. This shall include the separation of storm sewers from sanitary sewers, and other work to decrease infiltration into the system.

Appendix II User Charges

This Appendix establishes user charges in the Town of Littleton to provide funds needed to pay for operation and maintenance, including replacement, expenses associated with the Town's wastewater treatment works.

WHEREAS, Town of Littleton, has constructed wastewater treatment works: and

WHEREAS, it is the Selectmen's intent to establish proportionate user charges that places the costs of abatement directly on the sources of pollution, conserves potable water, and maintains financial self-sufficiency, and

WHEREAS, the USERS must pay the operation and maintenance expenses associated with the said treatment works and charge the users of said treatment works accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE Selectmen, of the Town of Littleton, that the following user charges are established in accordance with Federal Regulations (C.F.R. Sec. 35.1240).

Article I Purpose

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Town of Littleton to collect charges from all users who contribute wastewater to the Littleton treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

Article II Definitions

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

- Sec. 1 "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.
- Sec. 2 "Governmental User" shall include legislative, judicial, administrative, and regulatory activities of Federal, State and local governments.
- Sec. 3 "Industrial User" shall include any non-governmental, non-residential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division 1-Services.
- Sec. 4 "Institutional User" shall include social, charitable, religions, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

- Sec. 5 "Operation and Maintenance" shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in section 7.
- Sec. 6 "Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- Sec. 7 "Residential User" shall mean any contributor to the Town's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.
- Sec. 8 "Shall" is mandatory; "May" is permissive.
- Sec. 9 "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
- Sec. 10 "Useful Life" shall mean the estimated period during which a treatment works will be operated.
- Sec. 11 "User Bill" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works for each individual. User Bill includes User Charge, Replacement Charge, and any other fees or charges.
- Sec. 12 "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the Selectmen.

Article III
Accounting

- Sec. 1 The revenues collected, as a result of the user charges levied, shall be accounted for in a separate non-lapsing fund known as the Sewer Operation, Maintenance and Replacement Fund.
- Sec. 2 Fiscal year-end balances in the operation, maintenance, and replacement fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet shortages in the operation, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

Article IV
User Billing

- Sec. 1 Each user shall pay for the services provided by the Town of Littleton based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Selectmen. Said payment shall be for the operation and maintenance including replacement of the treatment works.
- Sec. 2 For residential, industrial, institutional, governmental and commercial users, semi-annual *Usage Charges* shall be based on actual water usage of the previous-six months. All sewer users shall be required to have a water meter, approved by the Selectmen, installed. (*Amended 9/8/04*)
- Sec. 3 A Replacement Charge shall be assessed on all users at 9% of the billed Usage Charge.

Example (not actual figures): User Charge	\$100.00
	X <u>9%</u>
Replacement Charge	= \$ 9.00

- Sec. 4 Said *Replacement Charge* shall be accounted for separately and used to replace existing equipment maintaining the existing capacity of the treatment works. These monies shall not be used for the upgrade of the works or for any other purposes.
- Sec. 5 Any user which discharges any non-domestic wastewater which cause an increase in the cost of managing the effluent of the sludge from the Town's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, and replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be determined by the Town Manager and approved by the Selectmen.
- Sec. 6 The user bill calculation methodology established in this Appendix and associated Exhibits shall apply to all users of the Tow's treatment works.

Article V Collection

- Sec. 1 Procedures for the collection of charges are under the authority of RSA 38:22.
- Sec. 2 All users shall be billed semi-annually. Billings for any particular billing period shall be made within thirty days after the end of the period. Payments are due within thirty days after the date of billing. Any payment not received within thirty days after the date of billing shall be delinquent. All bills shall be sent to the address on record for the owner of record. (*Amended 9/8/04*)
- Sec. 3 A late payment penalty of 1 percent of the user charge bill will be added to each delinquent bill for each month or portion thereof of delinquency. When any bill is more than sixty days delinquent, a lien may be placed on the property. Said lien shall be treated as a property tax lien under RSA 80:80.
- Sec. 4 When any bill (including interest and penalty) remains unpaid at the time of lien, such bill shall be recorded in the Grafton County Registry of Deeds by the tax collector and shall constitute a lien on the property. If such lien (including interest and penalty) remains unpaid for a period in excess of two years after the date of recordation, such property may be subject to tax collector's deed to the Town.

Article VI Grievances

- Sec. 1 Any user who can document that his user charge is unjust and inequitable may make official written application to the Town requesting a review of their user charge. Said application shall, where necessary, show the actual or estimated average flow of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- Sec. 2 Review of the request shall be made by the Town and if substantiated, the user charges for that user shall be recomputed based on the revised flow data and the new charges shall be applicable to the next billing cycle/period.
- Sec. 3 Requests for review must be submitted within 30 days of the date of the bill mailing. Only one official application may be submitted to the Town per billing period.

Article VII Septic

- Sec. 1 Septic haulers shall be charged a *Hauler Fee* which shall be billed directly to the hauler. A minimum Hauler Fee shall be assessed equivalent to the size of the tank being dumped. (see Exhibit B of this Appendix for rate calculation methodology)
- Sec. 2 Any hauler in default on a bill more than 30 days shall lose their dumping privileges for 60 days and until the bill is paid.

Article VIII
Rate Setting

- Sec. 1 The Town will review the user charges semi-annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
(Amended 9/8/04)
- Sec. 2 The Town will notify each user semi-annually of the rate being charged for operation, maintenance including replacement of the treatment works.
(Amended 9/8/04)

Exhibit A to User Charges Appendix (Appendix II)

(Rate Calculation Methodology for Users Physically Connected to the Treatment Works)

This exhibit presents the methodology to be used in calculating user charge rates and surcharges and illustrates the calculations followed in arriving at the user charges and surcharges.

Sec. 1 Usage Charge –

$$\begin{aligned} & \text{Total Water Usage (according to water meter readings)} \\ - & \text{ Cubic Feet of Water Consumed by Users having Septic Systems} \\ = & \text{ Total Billable Cubic Feet for Metered Users} \\ \\ & \text{Treatment Works Total Budget} \\ \div & \text{ Total Billable Cubic Feet for Metered Users} \\ & \text{Sewer Rate} \\ \\ & \text{Sewer Rate} \\ \times & \text{ Actual Individual Usage for a User} \\ & \text{Total Usage Charge for Metered User (minimum shall be \$5.00 per quarter)} \end{aligned}$$

Replacement Charge –

$$\begin{aligned} & \text{Usage Charge} \\ \times & \text{ 9%} \\ & \text{Total Replacement Charge} \end{aligned}$$

Total User Bill –

$$\begin{aligned} & \text{Total Usage Charge} \\ + & \text{ Total Replacement Charge} \\ & \text{Total User Bill} \end{aligned}$$

Exhibit B to User Charges Appendix (Appendix II)

This exhibit presents the methodology to be used in calculating septic user charge rates and surcharges.

Hauler Fee: Effective October 1, 2004 (*Amended 9/8/04*)

For residential septage collected from **inside** the geographic limits of Littleton:

\$.06 per gallon dumped

For residential septage collected from outside the geographic limits of Littleton:

\$.12 per gallon dumped

For non-residential septage and other wastewater:

To be determined in advance by the Town's Wastewater Treatment Plant operator.

These rates will be subject to annual review by the Town through its agent in charge of the wastewater treatment plant.

Proof of origination will be required. Any misrepresentation will result in termination of the privileges to dump.