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MUNICIPAL SEWER SYSTEM**

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**[HISTORY: Adopted by the Board of Selectmen of the Town of Peterborough: Art. I, 7-1-1997; Art. II, 7-1-1984; Art. III 12-1-1971, as amended through 11-15-2016. Amendments noted where applicable.]**

**ARTICLE I****Objectives****§ 161-1. Objectives.**

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 wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof: in the Town of Peterborough, County of Hillsborough, State of New Hampshire. The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant bio-solids are maintained at a level which allows beneficial use and/or disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and bio-solids in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim wastewater and bio-solids from the POTW;
- F. To enable Peterborough to comply with its NPDES permit, bio-solids reuse and disposal requirements, and any other Federal or State laws to which the POTW is subject.

Be it ordained and enacted by the Board of Selectmen of Peterborough, State of New Hampshire as follows:

**ARTICLE II****Definitions and Abbreviations****§ 161-2. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- A. "Act" or "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- B. "Approval Authority": For the Sewer Use Ordinance (SUO) and user charge system, the approval authority is the N.H. Department of Environmental Services (NHDES), and for the Industrial Pretreatment Program (IPP), the approval authority is the United States Environmental Protection Agency (USEPA).
- C. "Authorized Representative of the Industrial User":
  - a. If the Industrial User is a corporation, authorized representative shall mean:
    - i. the president, vice-president, secretary, or treasurer 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
    - ii. 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 corporate procedures.
  - b. If the Industrial User is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner or the proprietor.
  - c. If the individual user is representing Federal, State or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to

oversee the operation and performance of the activities of the government facility.

- d. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the Town. (See Article V, Section 2.F)
- D. "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 degrees Centigrade, expressed in milligrams per liter (mg/l).
- E. "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.
- F. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- G. "Building sewer lateral" shall mean a pipe or conduit laid incidental to the original construction of a public sewer, from that public sewer to some point at the side of the street, highway, or similar location and there capped, having been provided and intended for extension and of use at some time thereafter as part of a building sewer as defined in SECTION 2;F.
- H. "Bypass" shall mean the intentional diversion of waste streams from any portion of a wastewater treatment facility.
- I. "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- J. "Director" shall mean the Director of Public Works, acting under the direction of the Board of Selectmen of the Town of Peterborough, or his authorized deputy, agent, or representative.
- K. "Domestic wastewater," or "sanitary sewage," shall mean normal water; carried house hold and toilet wastes or waste from sanitary conveniences, excluding ground, surface, or storm water.
- L. "Easement" shall mean an acquired legal right for the specific use of land owned by others
- M. "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 waste water shall be considered free of floatable fat if it is properly pretreated and the waste water does not interfere with the collection system.
- N. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- O. "Grit" shall mean the sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic putrescible solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or waste.
- P. "Holding tank waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- Q. "Industrial User" shall mean a person who discharges industrial wastes to the sanitary sewer of the Town.
- R. "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- S. "Instantaneous maximum discharge limits" shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- T. "Interference" shall mean a discharge by an Industrial User which alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of 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 Section 405 of the Clean Water Act, 40 CFR Part 503, the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), groundwater protection rules, State of New Hampshire Ws 410, solid waste rules, State of New Hampshire WMD 100- 2800, hazardous waste rules, WMD100-1000 and Appendix III, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.
- U. "May" is permissive (see "shall", Section 38).
- V. "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 USC 1317), 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, incorporated herein by reference.

- W. "Natural outlet" shall mean any outlet, including storm sewers and combined "sewer overflows," to a watercourse, pond, ditch, lake, or any other body of surface or ground water.
- X. The term "National Pretreatment Standard," "Pretreatment Standard," or "Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to §403.5.
- Y. NHDES shall mean the New Hampshire Department of Environmental Services.
- Z. "New Source" shall mean any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production of wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of items 2 or 3, but otherwise alters, replaces, or adds to existing process or production equipment.
- Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.
- AA. "Pass through" shall mean the discharge of pollutants through the POTW into surface waters, in quantities or concentration, which, alone 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.
- BB. "Person" shall mean any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or other entity.
- CC. "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10.
- DD. "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 a POTW wastewater treatment works. The term also means the municipality with jurisdiction over discharges to and the discharges from such a treatment works.
- EE. "Pretreatment requirements" shall mean any substantive or procedural requirement related to pretreatment, other than National Pretreatment Standards, imposed on an Industrial User. National standards will be

administered to industries directly by the EPA.

- FF. "Properly shredded garbage" shall mean the animal or vegetable wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- GG. "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- HH. "Regional Point Sources" shall mean any point source(s) of discharge from a town connected to the Peterborough sewage works under the regional concept of wastewater collection and treatment plan.
- II. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- JJ. "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.
- KK. "Septage" shall mean the sludge and floatables produced principally from septic tanks and cesspools from on-site wastewater disposal systems.
- LL. "Sewage" is the spent water of a community. (The preferred term is "wastewater", section 47.)
- MM. "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- NN. "Shall" is mandatory (see "may", Section 20).
- OO. "Significant Industrial User" shall mean all Industrial Users subject to categorical pretreatment standards or any 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 five percent or more of the average dry weather hydraulic or organic capacity of the POTW on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.
- PP. "Significant noncompliance" shall mean an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:
- a. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
  - b. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH);
  - c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
  - d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge;
  - e. Failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
  - f. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - g. Failure to accurately report noncompliance;
  - h. Any other violation or group of violations, which the Control Authority determines, will adversely affect the operation or implementation of the local pretreatment program.
- QQ. "Slug" shall mean any discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation, or which shall adversely affect the collection system and/or performance of the wastewater treatment works.
- RR. "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying stormwater,

- groundwater, subsurface water, or unpolluted water from any source.
- SS. "Superintendent" shall mean the supervisor of wastewater facilities, and/or of wastewater treatment works for the Town of Peterborough, or his authorized deputy, agent, or representative.
- TT. "Suspended solids" (SS) shall mean total suspended matter that either floats on the surface of, or is in suspension in; water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.
- UU. "Town" shall mean the Town of Peterborough or the Board of Selectmen of Peterborough, New Hampshire.
- VV. "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.
- WW. "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 stormwater that may be present.
- XX. "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.
- YY. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

**§ 161-3. Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
IDP	Industrial Discharge Permit
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
USC	United States Code

**ARTICLE III**

**Use of Public Sewers Required**

**§ 161-4. Unlawful Disposal.**

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 Peterborough, or in any area under the jurisdiction of said town.

**§ 161-5. Unlawful Discharge to Natural Outlet.**

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

**§ 161-6. Facility Intended or Used for Disposal of Wastewater.**

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.

**§ 161-7. Requirement of Property Owners Within 100 ft. of Public Sewer.**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other

purposes, situated within the Town and abutting on any street, alley, right-of-way, or easement in which a public sanitary sewer of the Town is located within 100 feet of said houses, buildings, or properties, 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.

In accordance with RSA 147:8, the Board of Selectmen may grant a waiver from this connection requirement provided the property is served with an adequate alternate sewage disposal system that complies with applicable state and local regulations, was designed by a designer licensed in New Hampshire, and approved for construction by the NHDES after January 1, 1985.

#### **ARTICLE IV Building Sewers and Connections**

##### **§ 161-8. Connections**

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

##### **§ 161-9. Building Sewer Permits**

There shall be two (2) classes of building sewer permits: (a) for residential service, single family or duplex units, producing only domestic wastewater; and (b) for commercial including residential units greater than a duplex or industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the Planning and Building Department. The sewer connection application forms, which may be periodically revised by the Superintendent, are included in Appendix A. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the Department of Public Works. A permit and inspection fee for a residential building sewer permit or a commercial/industrial building sewer permit, shall be paid to the Department of Public Works at the time the application is filed, of which fifty dollars will be retained as a processing charge if a sewer permit is not granted. See Appendix B for current fee structure.

##### **§ 161-10. Expenses**

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

##### **§ 161-11. Independent Building Sewer**

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 cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such instances, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and shall not, assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

##### **§ 161-12. Old Building Sewers**

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

##### **§ 161-13. Application of Specifications**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the current specifications of the Peterborough Department of Public Works. In the absence of specifications or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. 9, shall apply.

##### **§ 161-14. Sewer Height (Amended by the Select Board November 15, 2016)**

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 a means in accordance with the State Building Code, as set forth in RSA Chapter 155-A, as amended, and with approval of the Town of Peterborough Building Inspector/Code Enforcement Officer, and discharged to the building sewer at the owners expense.

**§ 161-15. Connections to Source of Surface or Run-Off Groundwater**

No person(s) shall make connection of roof downspouts, foundation drains, floor 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.

**§ 161-16. Compliance with Town Rules and Regulations**

The connection of the building sewer into the public sewer shall conform to the requirements of the current 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. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials shall be approved by the Superintendent before installation.

**§ 161-17. Inspection of Sewer**

The applicant for the building sewer permit, prior to burial of the building sewer, shall notify the Department 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 representative of the Department of Public Works. Burial of the building sewer is prohibited until the line passes inspection and testing.

**§ 161-18. Protection of Public From Hazard**

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 Department of Public Works, at the expense of the owner(s).

**§ 161-19. Proposals**

Any person proposing a new discharge into the system, or a discharge of characteristic waste (as defined by 40 CFR 216), or an increase in the volume, or in the strength or character of pollutants that are discharged beyond limits previously permitted into the system shall notify the Director and Superintendent at least sixty (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, any new sewer involving more than a straight connection to the municipal sewer, or any alteration in either flow or waste characteristics in industrial discharge shall be approved by the NHDES.

**§ 161-20. Stoppage or Backflow**

Should there be a stoppage or flow back-up found to be in the building sewer and assistance is requested by the owner from the DPW, costs for the work effort by the DPW in freeing the stoppage shall be assessed to the Owner. Charges will be based on time and material, but shall not be less than the minimum amount stated in Appendix B, Current Fee Structure, payable to the Peterborough Sewer Fund for each service resulting from the Owner's request.

**§ 161-21. Backwater Valves (Amended by the Select Board November 15, 2016)**

A backwater valve shall be installed on the building drain when, in the opinion of the Town of Peterborough Building Inspector/Code Enforcement Officer or Superintendent, plumbing fixtures are subject to backflow from the public sewer. Backwater valves shall be installed in accordance with the State Building Code, as set forth in RSA Chapter 155-A, as amended, and with the approval of the Town of Peterborough Building Inspector/Code Enforcement Officer. Backwater valves shall be of a size and type as indicated by the Building Inspector/Code Enforcement Officer in accordance with the State Building Code, as set forth in RSA Chapter 155-A, as amended. Backwater valves shall be located and installed so their working parts are readily and easily accessible for cleaning and inspection and shall be maintained by the Owner(s) at the Owners expense, in a continuous, efficient, operating condition at all times.

**ARTICLE V  
Use of the Public Sewers****§ 161-22. Unlawful Discharge**

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

**§ 161-23. Unpolluted Drainage**

Stormwater 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 Department of Public Works. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet.

**§ 161-24. Pollutants**

Pollutants introduced into the sanitary sewer by an Industrial User shall not pass through or interfere with operation or performance of the POTW.

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, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- B. Any industrial wastes including oxygen demanding wastes (BOD, etc.) at a flow rate and/or concentration that 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. Any waters or wastes having a pH lower than 6.0 standard units or higher than 11.0 standard units or having any other corrosive property capable of causing drainage or hazard to structures, equipment, and personnel of the wastewaterworks.
  1. 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, any form of offal, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  2. Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104 degrees F (40 degrees C) or cause inhibition of biological activity in the POTW.
  3. Any substance which may cause the treatment plant effluent or any other residue, sludge, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the Town to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other Federal and State requirements applicable to the sludge use and disposal practices being used by the Town.
  4. Any material identified as hazardous waste according to 40 CFR Part 261.
  5. Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater system. All floor drains located in process or material storage areas must discharge to the industrial user's pretreatment facility before connecting with the system, otherwise the Superintendent shall order such owner(s) of such floor drains to plug them or disconnect them if deemed necessary to comply with any part of this Ordinance.
  6. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.
  7. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye waste and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent (10%) from the seasonably established norm for aquatic life.
  8. Any wastewater causing the treatment plant effluent to show a lethal concentration of fifty percent (LC 50) as determined by a toxicity test of ninety-six (96) hours or less, and/or show a violation of the Town's NPDES permit in regards to this or any other Toxicity Analysis of the Town's effluent.
  9. Any wastes containing detergents, active surface agents, or other substances which may cause excessive foaming in the municipal wastewater system and/or cause a violation of the Town's NPDES permit.
  10. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

11. Any medical waste except as specifically authorized in a discharge permit.

**§ 161-25. Limited Discharge to Municipal Systems**

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 constitute a nuisance. The Superintendent may alter the limitations established in the regulations below if in his opinion such alternations are necessary, to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent, will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, 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 shall not permit those discharges that are prohibited by Section 3 of this Article. The limitations or restrictions on materials or characteristics of the waste or wastewater's discharged to the sanitary sewer shall not cause interference or pass through.

- A. Any garbage that has not been properly shredded (see Article I Section 31). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- B. 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, or the NHDES, for such materials.
- C. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- D. Any radioactive wastes, or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- E. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein. (See Article I, Section 42)
- F. Waters or wastes containing substances that are not amenable to treatment by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the permitted discharge.
- G. 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.
- H. The Town reserves the right to impose pollutant limits to protect the POTW against passthrough and interference for the following constituents:

1.	Local Limits	
	<u>Constituent</u>	<u>Maximum Concentration (mg/l)</u>
	Arsenic	0.484
	Cadmium	0.987
	Copper	0.634
	Mercury	0.057
	Molybdenum	0.926
	Silver	3.132
	Zinc	7.483

2. Screening Levels

The following discharge screening levels are established to protect against pass through and interference. The Superintendent may require an Industrial User who exceeds the following screening levels at the point of discharge into the municipal sewer system to conduct periodic sampling and analyses for those parameters that are exceeded. Such sampling and analyses as well as reporting requirements shall be in accordance with Article IV, Section 10 of this ordinance. The Town may establish a local limit for any of the following parameters to protect the POTW from interference.

<u>Constituent</u>	<u>Maximum Concentration (mg/l)</u>
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A.	Chromium	5.0
B.	Lead	5.0
C.	Nickel	15.4
D.	Selenium	1.0
E.	Cyanide	32.0
F.	Sulfide	1.0
G.	Sulfate	1000.0
H.	Sulfite	1.0
I.	Petroleum Oil, non-biodegradable cutting oils, or products of mineral oil origin.	25.0
J.	All grease or floatable oil not limited by I above	100.0

The following discharge screening levels are based upon fume toxicity to public and POTW employee safety and the integrity of the POTW and collection system.

<u>Constituent</u>	<u>Maximum Concentration (mg/l)</u>
Acrylonitrile	1.19
Benzene	0.14
Chlorobenzene	0.31
Chloroform	0.41
1,1 - Dichloroethane	2.29
1,2 - Dichloropropane	3.60
1,3 - Dichloropropene	0.08
Ethyl Benzene	1.58
Formaldehyde	0.02
Hexachloroethane	0.09
Methylene Chloride	2.06
Toluene	0.68
1,2,4 - Trichlorobenzene	0.39
1,1,1 - Trichloroethane	1.56
Trichlorofluoromethane	1.23
Vinyl Chloride	0.004

3. Maximum Allowable Headworks Loading Limits

The following pollutant limits maybe established to protect against pass through and interference at the POTW. In no case shall the influent headworks loading at the POTW exceed the following limits:

<u>Constituent</u>	<u>Lbs/Day</u>
Chromium	2.2032
Lead	0.5931
Nickel	1.0957
Selenium	0.3155
Cyanide	2.2729

The Town of Peterborough may develop maximum allowable discharge limits for each permitted significant contributing Industrial User and implement them as part of their Industrial User Discharge Permit to ensure that these limits are not exceeded. Such discharge limits shall be calculated utilizing a mass proportion allocation.

$$C_{Lim(x)} = \frac{L_{curr(x)} / L_{curr(t)}}{(8.34) \times (Q_x)} \times L_{all}$$

**Where:**

- $C_{Lim(x)}$  = Discharge limit for I.U.<sub>(x)</sub> in mg/L
- $L_{curr(x)}$  = I.U.<sub>(x)</sub> current loading in lb/day
- $L_{curr(t)}$  = Total industrial loading in lb/day
- $Q_{(x)}$  = I.U.<sub>(x)</sub> flow in MGD
- $L_{all}$  = Maximum allowable industrial loading

The limits calculated using the above formula shall be included in each contributing significant Industrial User's discharge permit and shall be applied at the point of discharge sanitary sewer system.

- 4. Peterborough's Right of Revision  
Peterborough reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**§ 161-26. Limitations if Harmful Discharge Occurs or is Proposed**

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, may have a deleterious effect upon the wastewater facilities, or which otherwise creates a hazard to life or constitutes a public nuisance, the Superintendent may, subject to limitations in Section 3 and 11 of this Article:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover added cost of handling and treating the wastes.

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, its Consulting Engineer, and the NHDES, and subject to the requirements of all applicable codes, ordinances and laws, including industrial permitting requirements as outlined in Article V. Such facilities shall not be connected to the sanitary sewer until said approval is obtained in writing. Such approval shall not relieve 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.

**§ 161-27. Interceptors and Separators (Amended by the Select Board November 15, 2016)**

Interceptors for oil, grease, sand or other substances harmful or hazardous to the building drainage system, the public sewer or POTW shall be required when in the opinion of the Superintendent or Town of Peterborough Building Inspector/Code Enforcement Officer, are necessary for the proper handling of wastes containing oil and grease, sand or other harmful or hazardous materials as contained in this Ordinance and the State Building Code, as set forth in RSA Chapter 155-A, as amended, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors and separators shall be capacity approved by the Superintendent, or the Town of Peterborough Building Inspector/Code Enforcement Officer in accordance with the State Building Code, as set forth in RSA Chapter 155-A, as amended, and shall be located as to be readily and easily accessible for cleaning inspection, and shall be maintained by the owner(s) at the owners expense, in a continuous, efficient operating condition at all times. 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 that are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

**§ 161-28. Pretreatment**

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, 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 the owner's expense.

#### **§ 161-29. Requirement of a Suitable Control Structure**

When required by the Superintendent, 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. The structure shall be installed by the owner(s) at the owners expense and shall be maintained by the owner(s) as to safe and accessible at all times. All Industrial Users shall perform such monitoring as the Superintendent 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 Superintendent. Such records and all other records pertaining to pretreatment program requirements or actions shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

#### **§ 161-30. Requirements of User of Sewer Services**

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include but are not limited to:

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

#### **§ 161-31. Measurements, Tests and Analyses**

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 as may be revised. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA Region I Administrator has determined that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical procedures, including procedures suggested by the POTW or other parties, approved by the EPA Region I Administrator,

#### **§ 161-32. Prevention of Special Agreements/Arrangements**

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 thereunder, are compatible with any User Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

#### **§ 161-33. Receiving Structure/Holding Tank**

Septic tank waste (septage) may be accepted into the sewer system at a designated receiving structure within the treatment plant area, and at such times as are established by the Superintendent, 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 Board of Selectmen or their duly authorized representatives. The discharge of industrial wastes as "industrial septage" requires prior approval by the NHDES and the Superintendent. Fees for dumping septage will be established as part of the User Charge System. The Superintendent acting on behalf of the Town and its Board of Selectmen shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation or violate the NPDES permit. Procedures for the disposal of such wastes shall be in conformance with the operating policy established by the Superintendent and disposal shall be accomplished under his supervision or a designee unless specifically permitted otherwise.

Any person who desires to discharge septage or holding tank wastewater from a domestic source at the Town's wastewater facilities must conform to the following minimum requirements:

- A. The hauler shall have a permit with the Town and the State of New Hampshire;
- B. The hauler shall be responsible to see that septage or holding tank wastewater does not leak on the ground near the discharge point, and that all exposed areas were washed to remove traces of septage or holding tank wastewater;
- C. The hauler shall identify the source, i.e. Owner's name, telephone number, address or location of the tank, and volume of septage or holding tank wastewater removed from the tank and discharged to the Town's wastewater facilities;
- D. The septage or holding tank wastewater shall not contain toxic pollutants or materials detrimental to the proper operation of the wastewater facilities. Discharge of sewage, septage or other wastes through a manhole outside the treatment plant area is prohibited and any person unlawfully doing so shall be prosecuted.
- E. Any other requirements as may be determined by the Superintendent.

#### **§ 161-34. Increasing the Use of Process Water and Dilution**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment, to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

#### **§ 161-35. Evaluations of each Significant User**

The Superintendent shall evaluate each significant Industrial User once every two years to determine if the SIU needs to develop a slug control plan as required in 40 CFR 403.8(f)(2)(v). If the Superintendent determines that an evaluated SIU requires a slug discharge plan, the plan shall be submitted to the Superintendent for approval and shall contain at a minimum the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

Facilities to prevent slug discharges shall be provided and maintained by the owner(s) at the owners expense.

#### **§ 161-36. Prohibition of Bypass Treatment Unless**

A bypass of the treatment system is prohibited unless:

- A. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- B. There was no feasible alternative to the bypass, including the use of auxiliary treatment, or retention of the wastewater. The Industrial User shall notify the Superintendent immediately in the event of any bypass. The Superintendent may require the Industrial User to submit a written report explaining the cause(s), nature and duration of the bypass and the steps being taken to prevent its recurrence.

#### **§ 161-37. Posted Notice**

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.

**§ 161-38. Violation of Industrial User**

If sampling performed by an Industrial User indicates a violation, the user shall notify the Town within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analyses to the Town within thirty (30) days after becoming aware of the violation, except that the Industrial User is not required to resample if:

- A. The Town performs sampling at the Industrial User at least once per month, or
- B. The Town 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**

**§ 161-39. Applicability**

"Applicability." All persons discharging industrial process wastes into public 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.

**§ 161-40. Industrial Discharge Permit****Industrial Discharge Permit (IDP)**

- A. IDP Required. 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 are prohibited without a valid Industrial Discharge Permit (IDP).
- B. 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, state, and local industrial pretreatment, reporting regulations. Such information, as a minimum, shall include:
  1. The name and address of the facility, including the name of the operators and owners.
  2. A list of all environmental permits held by or for the facility.
  3. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
  4. An identification of the categorical pretreatment standards applicable to each regulated process.
  5. An analysis identifying the nature and concentration of pollutants in the discharge.
  6. Notification to the Town of any proposed or existing discharge of listed or characteristic hazardous waste (as required by 40 CFR 403.12(p)), other appropriate regulations and any future revisions to the same.
  7. In those instances in which the Industrial User provides notification of the discharge of hazardous waste, the Industrial User shall also provide the following certification: I certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree (the company) has determined to be economically practical. The requirements for execution of this certification are outlined in Article V, Section 2 (G).
  8. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
  9. A schedule of actions to be taken to comply with discharge limitations.
  10. Additional information as determined by the Superintendent may also be required.
  11. Any other information which may be needed to meet the baseline monitoring requirements applicable to Industrial Users subject to National Categorical Pretreatment Standards as required under 40 CFR 403. 12(b)(6). (See Article V, Section 3.F)
- C. 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 IDP is the following:
  1. Pretreatment and self-monitoring facilities required.
  2. Parameters to be monitored, type of samples and monitoring frequencies required.
  3. Location of sampling site.
  4. Notification by the Industrial User of slugs, bypass or noncompliance.
  5. Penalties for noncompliance.

6. Compliance schedules.
7. Effluent limitations on the industrial process waste.
8. Reporting Requirements:
  - a. Industrial Users shall submit periodic reports as required, but not less often than semiannually, indicating the nature and concentration of pollutants 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 not, what additional operation and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Superintendent.
  - b. If an individual user subject to the reporting requirements in the previous paragraph of this section monitors any pollutant more frequently than required by this Ordinance, using procedures prescribed in Article IV, Section 10, the results of this monitoring shall be included in the report.

D. Monitoring Records.

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

1. The date, exact place, method and time of sampling and the names of person or persons taking the sample.
2. The date's analyses were performed.
3. The laboratory performing the analyses.
4. The analytical techniques and methods used; and
5. The results of such analyses.

Such records shall be maintained for a minimum of five (5) years and shall be made available for inspection and copying by the Superintendent. The retention period may be extended during litigation or at the request of the Approval Authority.

E. Additional Conditions.

The Permit will be in effect for three (3) years and must be renewed prior to expiration. Application for renewal must be submitted 90 days prior to expiration of the existing IDP. As a minimum, prior to permit renewal, the facility will be inspected and recent monitoring data reviewed. Renewed permits will include process changes and/or any changes in requirements as may be necessary.

The Permit is non-transferable, and may be revoked by the Superintendent for non-compliance, or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules and/or regulations.

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 of Peterborough Wastewater Treatment Facility, to the Superintendent's attention, at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a professional engineer registered in New Hampshire, of the proposed pretreatment facilities. Upon approval of the application by the Superintendent, a Discharge Permit Request is submitted by the NHDES on behalf of the industry. Upon approval of the Discharge Permit Request by the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services, the industry and the Town will enter into a new or amended IDP in accordance with the procedure outlined in this subpart.

Industrial Users will be assessed an annual fee by the Town, in accordance with the Peterborough User Charge Ordinance, to defray the administrative costs of the IDP program.

F. Signature for Reports. The reports, required by Section 2.B, Section 2.C. (4), and Section 3.E. and F., shall include the certification as set forth in Section 2.G. and shall be signed as follows:

1. 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, manager, 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.
2. By a general partner or proprietor if the Industrial User submitting the reports required by this Ordinance is a partnership or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated paragraph (1) or (2) of this subsection

- if:
- a. The authorization is made in writing by the individual described in paragraph (1) or (2);
  - b. The authorization specified either an individual or a position having the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters, for the company; and
  - c. The written authorization is submitted to the Town of Peterborough Wastewater Treatment Facility, to the attention of the Superintendent.
4. If an authorization under paragraph (3) of this subsection 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 satisfying the requirements of paragraph (3) of this subsection must be submitted to the Superintendent prior to or together with any reports to be signed by a representative.
- G. **Certification.** All reports required to be signed as specified in Section 2.C(8) 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 and imprisonment for knowing violations.

#### § 161-41. National Categorical Pretreatment Standards

##### 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 the compliance date of such standards unless the Town has issued an Amendment to its IDP.
- 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 V, Section 2.C(6), or Federal Regulation 40 CFR 403. 12(b)(7), shall report on progress toward meeting compliance with these regulations as follows:
  1. 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 the delay, and the steps being taken by the Industrial User to return the progress to the schedule established.
  2. 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 operation 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 the Town's POTW, 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.F) and certified by a qualified professional engineer in accordance with 40 CFR 403. 12(b)(6).

#### **§ 161-42. Slug Discharge Notification**

Slug Discharge Notification. All Industrial Users shall notify the Superintendent immediately of all discharges which could cause problems to wastewater treatment facilities, including any slug loadings as defined in Article I Section 42. Within five days of the unauthorized discharge, the Industrial User shall provide the Superintendent with a written report fully describing any discharge not allowed, the pollutants involved, the cause of the unusual discharge and the measures taken and to be taken to avoid recurrence of the discharge not allowed.

#### **§ 161-43. Imminent Endangerment**

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.

#### **§ 161-44. Monitoring and Surveillance**

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 noncompliance with industrial pretreatment standards. Each Industrial User will be billed directly for costs incurred for analysis of its wastewater. All Industrial Users shall allow unrestricted access by town, WSPCD, and EPA personnel for the purposes of investigating and sampling discharges from the industries.

#### **§ 161-45. Investigations**

Investigations. The Town shall investigate instances of non-compliance with industrial pretreatment standards and requirements.

#### **§ 161-46. Public Information**

Public information. Information and data submitted on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from Town inspection and sampling activities, shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law.

- A. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR Section 2.302 will not be recognized as confidential information and will be available to the public without restriction.
- B. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

#### **§ 161-47. Public Participation**

Public Participation. The Town shall comply with the public participation requirements of 40 CFR Part 75 in the enforcement of industrial pretreatment standards and requirements. The Town shall annually publish in the largest daily newspaper published in the town, a list of the users which were in significant non-compliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement action taken against the user(s) during the same twelve months.

### **ARTICLE VII Sewer Line Extensions**

#### **§ 161-48. Terms and Conditions**

Main pipe extensions will be made subject to the following terms and conditions:

- A. Main pipe extensions and building service laterals shall be laid by, or to, the current specifications of the Peterborough Department of Public Works and shall become the Property of the Town of Peterborough upon completion, acceptable operation, and formal acceptance by the Town or its designated agent.
- B. New street, or extensions of present streets in which main pipe extensions are to be made must have been laid out, to, and have lines and grades established in conformance with the current specifications of the Department of Public Works and Planning Board, and the plans shall be approved by the Water Division of the New Hampshire Department of Environmental Services.
- C. The size and type of pipe shall be determined by the Department of Public Works in accordance with conditions surrounding the extension, including the possibilities of future expansion.
- D. Extensions of sewer mains will be made upon petition of seventy-five percent (75%) the prospective customers within the limits of said extension, provided that such prospective customers are located on already accepted roads. No sewer extension will be installed unless seventy-five percent (75%) of the lots are involved, with the exception that one (1) individual could initially guarantee the entire project, subject to the following conditions:
  1. Each lot, condominium unit or commercial – industrial building, either existing or approved by the Planning Board, at the time of application shall be considered a unit for the purpose of calculating the seventy-five percent requirement. Each shall be known as “guaranteed extension,” and the owners of the properties supplied with a sewer therefore shall be required to pay for the sewer at the regular metered rates.
  2. The size of the sewer main shall be determined by the Sewer Department, giving weight to the conditions surrounding the extension, including the possibility of future expansion. The cost to the petitioners shall be based on an eight-inch main line installation.
  3. Each petitioner shall pay, in addition to the regular sewer rates, his proportionate share of the total cost of the extension. The charge will be billed quarterly from the completion date of the extension for a period up to twenty (20) years or until the investment has been recovered.
  4. The cost of engineering, installation material and inspection shall be chargeable components of the guaranty.
    - a. Competitive construction bids will be sought for all guaranteed main line projects.
    - b. Engineering will be required to be submitted by the applicant in the case of large-scale projects. Small-scale projects will be engineered and inspected by the Water and Sewer Departments designated consultant engineer and will become components of the guaranty.
    - c. Applicants shall have the opportunity to terminate a sewer extension project should the cost estimate be higher than they may feel is in their best interest, provided that the remaining applicants no longer total the required seventy-five percent (75%).
    - d. Applicants shall, however, be liable for engineering and estimation costs incurred prior to the time of termination. Applicable charges will be billed at the time of termination.
    - e. The investment charge guaranty will be assumed on an equal basis by the extension customers served by such extension unless otherwise mutually agreed.
    - f. Additional customers requiring service along any such guaranteed extension shall be liable for an equal share of the balance remaining on the original investment.
    - g. The length of the guaranty period may be changed by the Sewer Department.
    - h. The Sewer Department may refuse to make an extension under the terms set forth above if such extension does not appear to be in the best interest of the town.

#### **§ 161-49. Costs**

Any property owner who desires service from the municipal sewerage system shall pay all costs incurred to install the building sewer lateral from the main to the property line and into the building.

#### **§ 161-50. Sewer Department Capital Reserve Fund**

The Board of Selectmen shall be authorized to withdraw money from the Sewer Department Capital Reserve Fund, or borrow money from private institutions, and establish the interest rate for guaranteed main line extensions. According to the Capital Improvement Plan, the Board of Selectmen are also authorized to withdraw from the

Capital Reserve Funds for capital improvements and repairs to the sewer system.

### **ARTICLE VIII Regional Point Sources**

#### **§ 161-51. Regional Point Source**

Any town applying for a Regional Point Source connection shall have a wastewater collection system that conforms to the latest requirements of the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Service, and submit documentation as evidence of their approval.

#### **§ 161-52. Engineering Report**

When an applicant has satisfied Article VII, Section I above, the applicant must submit to the Board of Selectmen, an Engineering Report, prepared by a licensed Professional Engineer of the State of New Hampshire, relating to infiltration and inflow (I&I) condition and presenting existing and future sanitary flow, and organic loadings as required by the Town of Peterborough. This report shall have had prior approval from the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

#### **§ 161-53. Metering Chamber**

A metering chamber must be installed and maintained at the applicant's expense at each connection of the Regional Point Source discharge and be equipped with the following accessories:

- A. Sewage flow metering device,
- B. 24-hour flow chart and totalizer,
- C. A refrigerated sampling device capable of obtaining a 24-hour flow proportional composite sample,
- D. Any other accessories as may be required by the Town of Peterborough or the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

The metering chamber and accessories must be approved by the Superintendent prior to construction of any such facilities.

#### **§ 161-54. Costs of Determining Capacity**

The applicant shall be required to pay any and all costs incurred by Peterborough to determine existing and future capacities of the Town's facilities and any requirements needed to further expand these capacities.

#### **§ 161-55. Costs of Modifications**

Any and all costs associated with modification to the existing Peterborough wastewater facilities, including engineering designs and construction costs as a result of the collection, transporting, and treatment of the applicant's projected wastewater flow shall be borne by the applicant.

#### **§ 161-56. Costs Incurred By Damage Done**

Any and all damage, and their associated costs caused to the Peterborough collection and treatment system by the applicant's wastewater as a result of noncompliance with these rules and regulations shall be borne by the applicant.

#### **§ 161-57. Other Towns Involvement**

Any and all towns discharging wastewater classified as a Regional Point Source shall be required to fully comply with all rules and regulations of sewer use including Industrial Pretreatment Requirements as established by the Town of Peterborough.

#### **§ 161-58. Submission of Applicant to Superintendent**

The applicant shall submit to the Superintendent, at least once per month, recorded flow data, five-day BOD analyses obtained from a twenty-four hour composite taken on a specified weekday and any other analyses the Superintendent deems applicable. Billing will be established on a per thousand gallon basis for the proportional share of operation and maintenance and construction costs. Details are to be stipulated in the contract agreement between the applicant and the Town of Peterborough, New Hampshire.

**§ 161-59. Inter-Municipal Agreement**

Any time a project meeting the criteria listed in Sections 1 through 8 above are considered and the project exceeds the legal boundaries of the Town of Peterborough, the applicant for such project shall enter into an inter-municipal agreement with the Town of Peterborough in accordance with RSA 53.A.

**ARTICLE IX  
Powers and Authority of Inspectors****§ 161-60. Authorized Employees**

The Superintendent and other duly authorized employees of the Town 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 wastewater facilities, in accordance with the provisions of this ordinance.

**§ 161-61. Obtaining Information**

The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes that 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.

**§ 161-62. Safety**

While performing the necessary work on private properties referred to in Article VIII, Section I, above, the Superintendent 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 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 IV, Section 8.

**§ 161-63. Permission to Enter Private Properties**

The Superintendent and/or other duly authorized employees of the Town of Peterborough, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to: inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement, pertaining to the private property involved.

**ARTICLE X  
Private Sewage Disposal Systems****§ 161-64. Private Sewage Disposal**

- A. Where a public sanitary sewer is not available under the provisions of Article II, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- B. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Peterborough Code Enforcement Officer. He/she shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Peterborough Code Enforcement Officer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Peterborough Code Enforcement Officer.
  1. There shall be a fee of fifteen dollars (\$15.) for inspection of a private system. In the event that the system has deficiencies in construction requiring additional inspections, there shall be a fee of fifteen dollars (\$15.) for each additional inspection.
  2. All fees must be paid prior to the issuance of the final permit. Failure to obtain a final permit shall cause the withholding of a certificate of occupancy.

- C. Septage haulers using the public sewer for the disposal of septage shall be assessed a tipping fee of sixty dollars (\$60.) per one thousand (1,000) gallons dumped. This fee shall be payable prior to the dumping.
  - 1. Only septage from the Town of Peterborough or other towns designated by the Public Works Department will be accepted. Septage receiving at the Wastewater Treatment Plant (WWTP) may be restricted or limited certain times of the year due to physical and biological conditions at the WWTP.
  - 2. Sewage originating outside of the Town of Peterborough will be accepted at one hundred dollars (\$100.) per one thousand (1,000) gallons dumped.
  - 3. The septage hauler will identify the source and type of the septage, and in no case will septage containing or suspected to be containing hazardous wastes be accepted.
  - 4. The septage hauler will provide the Town Office with a statement specifying the volume, type and point of origin of all septage, signed and dated by his client, along with the applicable tipping fee before dumping is allowed.
- D. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, drained and filled with suitable material.
- E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

## ARTICLE XI Penalties and Enforcement

### § 161-65. Damaging Property

No person(s) shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the wastewater facilities. Any person(s) violating this provision shall be guilty of a misdemeanor.

### § 161-66. Action Taken In Response to Violations

The Town may seek exparte judicial injunctive relief for any violation of the ordinance including any pretreatment standards or requirements. Action which may be taken by the Town in response to violations of the ordinance include entry on private property to halt such violation, blockage of a public sewer to halt such violation, or demand of specific action by the person. The Superintendent will notify NHDES of any enforcement action according to RSA 149.

### § 161-67. Violations and Compliance

- A. Notification of Violation. Whenever the Superintendent finds that any Industrial User has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Superintendent or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.
- B. Consent Orders. The Superintendent, in consultation with the Town solicitor, is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified by the order.
- C. Show Cause Hearing. The Superintendent may order any Industrial User that causes or contributes to violation of this Ordinance or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting. The proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified Industrial User appears as noticed, immediate enforcement action may be pursued.
- D. Compliance Order. When the Superintendent finds that an Industrial User has violated or continues to violate the ordinance or a permit or order issued there under, he may issue an order to the Industrial User

responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

The Town may, after informal notice to the person discharging wastewater to the wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, 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.

#### **§ 161-68. Cease and Desist Orders**

Cease and Desist Orders. When the Superintendent finds that an Industrial User has violated or continues to violate this Ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

1. Comply forthwith;
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operation, and terminating the discharge.

#### **§ 161-69. Civil Penalty**

Any person who violates any provision of this ordinance shall be subject to civil penalty not to exceed \$10,000.00 per day of such violation as authorized by RSA 149-I:6.

The Town, through its Superintendent, may pursue any other or any combination of remedies for enforcement of this ordinance available to it under applicable law. Each day in which any such violation shall continue shall be deemed a separate offense.

#### **§ 161-70. Violators Liability**

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

#### **§ 161-71. Criminal Prosecution**

Criminal Prosecution. A violation of certain aspects of the within regulations may constitute criminal conduct under applicable state and federal legislation and the Superintendent shall cooperate with all law enforcement officials having jurisdiction over such criminal conduct in the event that a prosecution is undertaken.

### **ARTICLE XII Validity**

#### **§ 161-72. Conflict with Other Ordinances, Rules and Regulations**

Any portion of this ordinance, considered to be in conflict with other existing ordinances, rules, and regulations, shall be subject to interpretation by the Town of Peterborough Board of Selectmen, with the view that this Ordinance is not subordinated.

#### **§ 161-73. Invalidity**

If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application and to this end the provisions of the Ordinance are severable.

### **ARTICLE XIII Ordinance in Force**

#### **§ 161-74. Ordinance Signed By Selectmen**

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.