

CHAPTER Env-Wq 1200 WINNIPESAUKEE RIVER BASIN PROGRAM

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CHAPTER Env-Wq 1200 WINNIPESAUKEE RIVER BASIN PROGRAM

Statutory Authority: RSA 485-A:47

REVISION NOTE:

This chapter was formerly designated Env-Ws 1200. Document #8235, effective 12-22-04, readopted with amendments Env-Ws 1200. This chapter was subsequently redesignated editorially with a new subtitle as Env-Wq 1200 pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. The numerals of the rules remained unchanged, and the source notes for the rules under Document #8235 and prior filings refer to those numbers under the subtitle Env-Ws.

PART Env-Wq 1201 PURPOSE AND APPLICABILITY

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

Source. #1908, eff 1-6-82; ss by #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1201.01)

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

Source. #1908, eff 1-6-82; ss by #2707, eff 5-15-84, EXPIRED: 5-15-84

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1201.02)

PART Env-Wq 1202 DEFINITIONS

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

Source. #1908, eff 1-6-82; ss by #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.01)

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

Source. #1908, eff 1-6-82; ss by #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.02)

Env-Wq 1202.03 “Board” means the board for the licensing and regulation of plumbers established pursuant to RSA 329-A:3.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.03)

Env-Wq 1202.04 “Building drain” means 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 a building and conveys it to the service connection beginning 5 feet outside the inner face of the building wall.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.04)

Env-Wq 1202.05 “Bypass” means the intentional diversion of pollutants from any portion of an industrial user’s pretreatment facility.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.05)

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

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

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New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.06)

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

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.07)

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

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.08)

Env-Wq 1202.09 “Community” means any city or town that is included as part of, and is served by, the Winnepesaukee river basin system and includes, but is not limited to, portions of Laconia, Franklin, Meredith, Gilford, Tilton, Belmont, Northfield, Sanbornton, and the Bay District.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.09)

Env-Wq 1202.10 “Composite sample” means a collection of individual grab samples obtained at regular time or flow intervals.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.10)

Env-Wq 1202.11 “Contractor” means an individual, partnership, or corporation and the agents and representatives thereof performing work or providing supplies under an established contract.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.11)

Env-Wq 1202.12 “Control manhole” means a structure through which industrial wastes can be monitored and sampled.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.12)

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Env-Wq 1202.13 “Cooling water” means the clean wastewater from air conditioning, industrial cooling, condensing, and similar apparatus and from hydraulically-powered equipment which is sufficiently clean, uncontaminated, and unpolluted that it can be discharged, without treatment or purification, to a natural open stream or watercourse, subject to the conditions of an NPDES permit.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.13)

Env-Wq 1202.14 “Department” means the New Hampshire department of environmental services.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.14)

Env-Wq 1202.15 “Design-year usage” means the method used by the WRBP to equitably apportion operations and maintenance, administrative, and replacement costs among communities.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.15)

Env-Wq 1202.16 “EPA” means the federal Environmental Protection Agency.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.16)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.17)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.18)

Env-Wq 1202.19 “GPD” means gallons per day.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.19)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.20)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.21)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.22)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.23)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.24)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.25)

Env-Wq 1202.26 “Indirect discharge” means the introduction of pollutants into the POTW from any industrial source regulated under Section 307(b), (c), or (d) of the Federal Water Pollution Control Act.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.26)

Env-Wq 1202.27 “Industrial discharge” means “industrial waste” as defined in RSA 485-A:2, VI, namely “any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources.” For purposes of these rules, “industrial discharge” does not include sewage.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.27)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.28)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.29)

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

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Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.30)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.31)

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

(a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal;

(b) Causes a violation of any requirement of the WRBP’s NPDES permit; or

(c) Prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations:

- (1) Section 405 of the Clean Water Act;
- (2) The Solid Waste Disposal Act, including Title II commonly referred to as RCRA;
- (3) The Clean Air Act;
- (4) The Toxic Substance Control Act;
- (5) The Marine Protection, Research, and Sanctuaries Act;
- (6) Standards for Sewage Use and Disposal, 40 CFR 503;
- (7) Septage disposal rules, Env-Wq 1600;
- (8) Sludge disposal rules, Env-Wq 800;
- (9) Groundwater protection rules, Env-Wq 402, Env-Or 600, and Env-Or 700; and
- (10) Solid waste rules, Env-Sw 100-2000, and hazardous waste rules, Env-Wm 100-1100.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.32)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.33)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.34)

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Env-Wq 1202.35 “NAICS” means North American Industrial Classification System which was developed jointly by the United States, Canada, and Mexico.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.35)

Env-Wq 1202.36 “mg/L” means milligrams per liter.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.36)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.37)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.38)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.39)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.40)

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

“(a) The individual who has full responsibility for the daily operation of a wastewater treatment plant or pollution control facility;

(b) The individual normally responsible for the operations shift; or

(c) Individuals who perform important operating functions.”

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.41)

Env-Wq 1202.42 “Other wastes” means “other wastes” as defined in RSA 485-A:2, VIII, namely “garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life.”

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Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.42)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.43)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.44)

Env-Wq 1202.45 “Person” means “person” as defined in RSA 485-A:2, IX, namely “any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.”

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.45)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.46)

Env-Wq 1202.47 “Pollutant” means “pollutant” as defined in 40 CFR 122.2.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.47)

Env-Wq 1202.48 “Pretreatment” means the application of physical, chemical, and/or biological processes to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharging such waste into a publicly owned treatment works.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.48)

Env-Wq 1202.49 “Pretreatment requirement” means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.49)

Env-Wq 1202.50 “Pretreatment standards” means established prohibited discharge standards, standards specified in 40 CFR Chapter I, Subchapter N, Parts 405-471, and local limits as specified in RSA 485-A:5.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.50)

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Env-Wq 1202.51 “Prohibited discharge standards” means absolute prohibitions against the discharge of certain substances as specified in Env-Wq 1203.09 General Sewered Waste Restrictions.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.51)

Env-Wq 1202.52 “Properly shredded garbage” means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.52)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.53)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.54)

Env-Wq 1202.55 “Publicly owned treatment works” or “POTW” means a “treatment works” as defined by Section 212 of the Clean Water Act as amended, the components of which are owned by the department or a community, including the WRBP treatment plant, major interceptor, interceptor sewers, pumping stations, any devices or systems used in the collection, storage, treatment, recycling or reclamation of sewage or industrial wastes of a liquid nature, any conveyances which convey wastewater to the treatment plant, and appurtenant facilities essential to the operation of the entire system.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.55)

Env-Wq 1202.56 “Screening level” means that concentration of a pollutant in water which would cause a threat to personnel exposed to the pollutant, or would cause a threat to the structures of the POTW.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.56)

Env-Wq 1202.57 “Septage” means “septage” as defined by RSA 485-A:2, IX-a, namely “material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste and any other sludge.”

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.57)

Env-Wq 1202.58 “Service connection” means the line maintained by the wastewater generator that connects the wastewater generator to the sewage collection system, through a wet well low-pressure pump system or a gravity service tap.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.58)

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Env-Wq 1202.59 “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not include economic loss caused by delays in production.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.59)

Env-Wq 1202.60 “Sewage” means “sewage” as defined in RSA 485-A:2, X, namely “the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.”

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.60)

Env-Wq 1202.61 “Sewage collection system” means the common sewers and facilities which are primarily installed to collect and pump wastewaters to a treatment plant.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.61)

Env-Wq 1202.62 “Sewer” means a conduit designed to carry liquid and water-carried wastes from structures such as residences, commercial buildings, industrial plants, and institutions, and includes sewer appurtenances as defined in Env-Wq 700.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.62)

Env-Wq 1202.63 “Significant industrial user” (SIU) means “significant industrial user” as defined in 40 CFR 403.3(t).

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.63)

Env-Wq 1202.64 “Significant Noncompliance” (SNC) means an industrial user that meets one of the criteria specified in 40 CFR 403.8(f)(2)(vii).

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.64)

Env-Wq 1202.65 “Slug discharge” means any discharge of water or wastewater in which the concentration of any given pollutant or the quantity of flow exceeds, for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration or flow during normal operation, or which adversely affects the POTW.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.65)

Env-Wq 1202.66 “Standard laboratory procedure” means an EPA-approved method published in 40 CFR 136 or a method approved for use pursuant to Env-C 300.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.66)

Env-Wq 1202.67 “State” means the state of New Hampshire.

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Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.67)

Env-Wq 1202.68 “State plumbing rules” means rules adopted by the board pursuant to RSA 329-A:15.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.68)

Env-Wq 1202.69 “Storm drain” means a conduit which carries storm or other surface water or cooling water, but not sanitary sewage or industrial process wastes.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.69)

Env-Wq 1202.70 “Suspended solids” means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.70)

Env-Wq 1202.71 “Traps” means intercepting devices, such as grease traps, oil separators, or grit removal chambers, located at the source and placed in the building drain prior to discharge to the sewage collection system. The term includes “oil and grease interceptors”.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.71)

Env-Wq 1202.72 “Treatment plant” means “wastewater treatment plant” as defined by RSA 485-A: XVI-a, namely “the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical, or bacteriological quality of the wastewater and which dewater and handles sludge removed from the wastewater.”

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.72)

Env-Wq 1202.73 “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.73)

Env-Wq 1202.74 “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.74)

Env-Wq 1202.75 “Winnepesaukee river basin program” (WRBP) means an operating bureau of the department charged with implementing RSA 485-A:45-54.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.75)

Env-Wq 1202.76 “WRBP approval” means the approval of the WRBP administrator or designee.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.76)

Env-Wq 1202.77 “WRBP system” means that portion of the POTW that is owned by the WRBP, including the treatment plant, major interceptors, interceptor sewers, pumping stations, and appurtenant facilities essential to the operation of the system.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.77)

Env-Wq 1202.78 “Unpolluted water” means water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to a sewerage collection system or POTW.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1202.78)

PART Env-Wq 1203 SEWER USE RULES

Env-Wq 1203.01 Connection to Public Sewers.

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

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

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

(d) In accordance with RSA 147:8, a public sewer shall be deemed available to improved property if such improved property is within 100 feet, or such greater distance as specified by community code or ordinance, of the public sewer as measured from the closest part of any structure which contains plumbing on said improved property, along or across the shortest available alignment to the center line of the sewage collection system.

(e) Subject to (f) and (g), below, no privy, vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a public sewer or which is required by Env-Wq 1203.01(a) to be connected to a public sewer.

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

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

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

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

(i) No person shall uncover, connect with, make any opening into or use, alter, or disturb in any manner any public sewer or any part of the sewer or service connection without first obtaining a written connection permit from the community in which the sewer is located. In the event that a proposed connection is directly to the WRBP system, the applicant shall obtain a WRBP connection permit application from the community and submit it to the WRBP in accordance with Env-Wq 1203.07.

Source. #1908, eff 1-6-82; ss by #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.01)

Env-Wq 1203.02 Construction, Installation, and Connection of Service Connections.

(a) Each building on an improved property shall be served by its own service connection. In the case where one building stands at the rear of another such that no private or public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the service connection from the front building may be extended to the rear building and the whole considered as one service connection, provided that the approval of the community shall be obtained in writing prior to connecting.

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

(c) The size, slope, alignment, and materials of construction of a service connection and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the building and plumbing codes or other applicable rules, regulations or ordinance of the community, this chapter or Env-Wq 700. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the Water Environment Federation Gravity Sanitary Sewer Design and Construction, also know as the Manual of Practice No. FD-5, dated 1982 shall apply.

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

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

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

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

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

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

(j) No service connection shall be covered until it has been inspected and approved by a representative of the community in which the sewer is located or the WRBP. If any part of the service connection is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the property owner of the improved property to be connected to the public sewer, in accordance with RSA 149-I:7.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.02)

Env-Wq 1203.03 Control Manholes.

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

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

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.03)

Env-Wq 1203.04 Discharges to the POTW.

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

(b) Unless pretreated in accordance with all applicable federal, state, and local requirements, discharges to the POTW from building floor drains shall be prohibited.

(c) Any person proposing a new discharge or an increase of more than 20 percent beyond limits previously permitted in the volume or character of pollutants that are being discharged to the POTW shall notify the community within the time limit established by the community ordinance prior to the proposed

change or connection. A proposed new discharge from a commercial or residential source shall be submitted to the department for approval in accordance with Env-Wq 703.07.

(d) Any person discharging industrial wastes into the POTW shall comply with applicable federal, state, and local pretreatment requirements, including the requirements of Env-Wq 1205.

(e) Any person discharging commercial waste shall apply for a commercial discharge permit in accordance with Env-Wq 1206. Upon review and approval of the application, the WRBP shall issue a permit prior to discharge.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.04)

Env-Wq 1203.05 Traps Required.

(a) The user shall install a grease, oil, or sand trap whenever necessary to prevent grease, oil, and sand from entering the POTW.

(b) Grease, oil, and sand traps shall not be required for private living quarters or individual dwelling units.

(c) All traps shall be of a type and capacity suitable for their intended use and shall be readily accessible for cleaning and inspection.

(d) The property owner shall be responsible for the proper removal and disposal of all captured materials in accordance with all applicable local, state, and federal requirements.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.05)

Env-Wq 1203.06 Maintenance of Service Connections. Every service connection of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property. Maintenance, repair, and replacement of the service connection shall be the responsibility of the owner of the improved property served by the public sewer.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.06)

Env-Wq 1203.07 Connection to WRBP System.

(a) The applicant for a WRBP connection permit shall provide the following to the WRBP:

- (1) The name, mailing address, and daytime telephone number of the applicant;
- (2) The location where the connection to the WRBP system is to be made;
- (3) The estimated date of service connection;
- (4) The name, mailing address, and daytime telephone number of the contractor installing the service connection;
- (5) Plans or drawings showing the details of the service connections; and
- (6) Approval and signature of an authorized community official.

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

(c) The applicant for the service connection permit shall notify the community and the WRBP when the service connection is ready for inspection, testing, and connection to the public sewer. Such notice shall be provided not less than 48 hours in advance of the time any connection is to be made to any public sewer or WRBP interceptor. The connection and testing shall be made under the supervision and in the presence of the community or its representative(s).

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.07)

Env-Wq 1203.08 Disposal of Septic Tank Wastes.

(a) Septage haulers shall not use the WRBP for the disposal of septage or holding tank wastes until a septage hauler permit has been obtained from the department pursuant to Env-Wq 1605.

(b) An application for a septage hauler permit shall be made using a form available at the WRBP or from the department. The application shall contain the information specified in Env-Wq 1605.

(c) Prior to discharging any wastes, the septage hauler shall file a copy of the state septage hauler permit, as required by the department, with the WRBP along with a copy of the permit application containing the information specified in Env-Wq 1605. Upon renewal or revocation of such permit, the hauler shall notify the WRBP of such renewal or revocation.

(d) Septage and holding tank wastes shall be accepted into the WRBP treatment plant at the designated septage receiving area only.

(e) The WRBP shall limit the disposal of such wastes, if such disposal can result in:

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

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

(g) Designated locations for the discharge of septage and hours of operation for such facilities shall be posted at the septage disposal site and may be obtained by calling the WRBP.

(h) The septage hauler shall fill out and submit a septage discharge receipt form at the time of each discharge of waste.

(i) The septage discharge receipt shall identify:

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

(5) The date and time of discharge.

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

(1) Proceed in accordance with RSA 541-A:30 and Env-C 200 to revoke the discharge authorization if:

- a. The discharge harmed, or posed a significant threat of harm to, the WRBP treatment plant or staff; or
- b. The septage hauler is a chronic violator as defined in Env-C 209;

(2) Proceed in accordance with RSA 541-A:30 and Env-C 200 to suspend the discharge authorization if the criteria for revocation are not met; and

(3) Request the commissioner of the department to fine the hauler in accordance with RSA 485-A:54, V and Env-C 600 if as a result of the violation the hauler realized an economic benefit that can be calculated.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.08)

Env-Wq 1203.09 General Sewered Waste Restriction.

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

(b) Storm water and all other unpolluted drainage shall be discharged to such storm drain(s) or natural outlet(s) as are specifically approved by the local authority having jurisdiction over such discharges. Industrial cooling water or process waters shall require an NPDES permit prior to discharge to a storm drain or natural outlet. If the industrial cooling water or process waters does not meet the established NH water quality standards in Env-Wq 1703 for discharge to a storm drain, the user shall apply for a discharge permit.

(c) Pollutants introduced into the POTW by an industrial user shall not pass through or interfere with the operation or performance of the WRBP treatment plant or cause the WRBP to violate either Env-Wq 1703 or its NPDES permit.

(d) No person shall discharge or cause or allow to be discharged any of the following described waters or wastes to any sewers:

- (1) Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;
- (2) Any industrial wastes, including oxygen-demanding wastes at a flow rate and/or concentration which would:
 - a. Cause interference with the POTW;
 - b. Constitute a hazard to humans or animals;
 - c. Create a public nuisance; or
 - d. Exceed any applicable national categorical pretreatment standard or local limit.

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(3) Any waters or wastes having a pH lower than 5.5 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structural components, equipment, or personnel of the POTW;

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system such as, but not limited to:

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

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

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

(7) Any waters or wastes which would interfere with the POTW or the WRBP treatment plant treatment process;

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

(9) Any pollutant exceeding the maximum daily concentration in Table 1201-1 below:

Table 1201-1 - Local limits

<u>Pollutant</u>	<u>Numerical Limit in mg/L</u>
Aluminum	125
Arsenic	0.04
Cadmium	0.03
Chloride	9100
Chromium	0.63
Copper	1.40
Cyanide	0.45
Iron	25.0
Lead	0.85
Manganese	5.00
Mercury	0.019
Molybdenum	0.06
Nickel	1.00
Selenium	0.05
Silver	0.40
Zinc	3.27

(10) Any discharge of pollutants exceeding the fume toxicity screening limits in accordance with 40 CFR 403.5(b);

(11) Any radioactive wastes or isotopes of such half-life or concentration that exceed the limits established by state and federal rule or regulations;

(12) Any slurry solutions of suspended or dissolved inert materials;

(13) Any solutions of dissolved inert materials, such as, but not limited to:

- a. Sodium chloride; and
- b. Sodium sulfate;

(14) Any materials which exert or cause:

- a. Discoloration such as is caused by dye wastes and vegetable tanning solutions;
- b. BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute an impact on the WRBP treatment plant;
- c. A volume of flow or concentration of wastes or both constituting a slug discharge; or
- d. Odors.

(15) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that

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the WRBP treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the WRBP treatment plant's discharge to receiving waters;

(16) Garbage which has not been properly shredded; or

(17) Waters or wastes which, by interaction with other water or wastes in the POTW:

- a. Release dangerous or noxious gases;
- b. Form suspended solids which interfere with the operation of the collection system; or
- c. Create a condition deleterious to structures and treatment processes.

(e) No person shall discharge or cause or allow to be discharged any substances, materials, waters, or wastes that can harm the POTW, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, health, or public property or constitute a nuisance.

(f) No person shall meet or attempt to meet requirements of these sewer rules by diluting wastes.

(g) The WRBP and the community shall, through applicable legal processes, set limitations lower than the limitations established in (a) through (e), above, if more stringent limitations are necessary to meet applicable federal and state laws.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.09)

Env-Wq 1203.10 Approval of Special Discharges of Limited Duration.

(a) Any person proposing to discharge, as a one-time or otherwise limited duration discharge, waters or wastes to the public sewers that contain the substances or possess the characteristics enumerated in Env-Wq 1203.09(a)-(e) and which might have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, shall request permission from the WRBP to discharge the waters or waste.

(b) To request permission to discharge, the person shall provide the following information:

- (1) The nature of the waters or wastes to be discharged; and
- (2) The estimated duration of the discharge and the anticipated start of the discharge.

(c) If necessary to fully characterize the proposed discharge, the person shall provide:

- (1) The discharge peak rate and volume over a specified time period;
- (2) Chemical analyses of the proposed discharge;
- (3) A line diagram of the production process showing the origin of each waste stream;
- (4) A listing of all chemicals used in the facility which could be discharged to the sewer;
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- (6) Details of wastewater pretreatment facilities; and
- (7) Details of systems established by the user to prevent and control the losses of materials through spills to the public sewer or storm drain.

(d) If the WRBP determines that the proposed discharge will cause a significant adverse impact to the POTW, community or WRBP personnel, or receiving waters or is otherwise likely to create a hazard to life or constitute a public nuisance and that the discharge cannot be treated to alleviate the adverse impact, the WRBP shall deny the request.

(e) If the WRBP determines that the waters or waste will not have a significant adverse impact to the POTW, community, or WRBP personnel, or receiving waters and is not otherwise likely to create a hazard to life or constitute a public nuisance, the WRBP shall grant the request, subject to any conditions as are necessary to minimize any adverse impact, such as restricting the rate or timing of discharge or requiring pretreatment of the waters or waste.

(f) If the WRBP accepts the discharge but determines that the discharge will cause the community or WRBP to incur additional expenses as a result of the discharge, the WRBP shall require the person to cover the added cost of handling and treating the wastes.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.10)

Env-Wq 1203.11 Conflict with Community Ordinance.

(a) In any case where a provision of Env-Wq 1200 conflicts with a provision of any ordinance or code of those communities in the WRBP, the provision which establishes the higher standard for the promotion and protection of the environment, the POTW, and the health and safety of the people of those communities shall prevail.

(b) In the case of a dispute concerning interpretation or application of Env-Wq 1200 or a conflict with community codes or ordinances, the dispute shall be treated as a contested case under the provisions of RSA 541-A.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1203.11)

PART Env-Wq 1204 CHARGES AND BILLING PROCEDURES

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

Source. #1908, eff 1-6-82; ss by #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.01)

Env-Wq 1204.02 Operation and Maintenance Charges.

(a) Operation and maintenance charges to the communities shall consist of the sum of the following charges:

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(1) Volume charge based upon measured or approximated gallons of waste generated in the community during the billing period; and

(2) Sewage concentration surcharge based upon the weight of suspended solids or BOD exceeding the weight of suspended solids or BOD if the concentrations of these constituents from a permitted industrial user averaged over a 24-hour period is greater than 250 mg/L.

(b) Interceptor maintenance charges are based upon the measured or approximated gallons of sewage per mile of interceptor sewer from point of entry into the WRBP treatment plant.

(c) Pumping charges shall be based upon the measured or approximated gallons of waste pumped through each WRBP pumping station.

(d) Metering and access charges shall be based upon measured or approximated gallons of flow entering the WRBP system through metering stations or directly to a WRBP interceptor.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.02)

Env-Wq 1204.03 Administrative Charges.

(a) In accordance with RSA 485-A:50, administrative costs for the WRBP shall be assessed to each community based on its projected design-year usage of the WRBP system.

(b) In the event that additional communities enter the WRBP, administrative charge assessments shall be modified to reflect those communities' projected design-year usage of the WRBP system in accordance with RSA 485-A:51, VII.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.03)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.04)

Env-Wq 1204.05 Septage Charge.

(a) All septage haulers authorized to use the WRBP treatment plant for the disposal of septage and holding tank wastes shall annually pay a fee of \$100 to the WRBP to defray the administrative costs of the septage program.

(b) In accordance with RSA 485-A:48 and RSA 149-I:8, the per gallon charge for septage shall be based upon measured volume and concentration of such material. Treatment charges to any septage hauler shall be based on actual gallons of septage discharged at the designated septage receiving area, with a minimum charge based on the size of the truck tank or a 1,000 gallon load, whichever is smaller.

(c) In accordance with RSA 485-A:48 and RSA 149-I:8, the per gallon charge for holding tank wastes shall be based upon measured volume and concentration of such material. Treatment charges to any septage hauler shall be based on actual gallons of holding tank wastes discharged at the designated receiving area, with a minimum charge based on the size of the tank truck or a 1,000 gallon load, whichever is smaller.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.05)

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.06)

Env-Wq 1204.07 Community Assessments.

(a) Assessments for operation and maintenance shall be billed in accordance with RSA 485-A:50, as follows:

- (1) Assessments of each community's share of charges shall be made during the first quarter of each state fiscal year based upon the estimated budget for operation and maintenance costs for the WRBP for that fiscal year and each community's proportional share of that budget;
- (2) Billing for estimated operation and maintenance charges shall be sent quarterly to each community, and shall be due and payable upon receipt by the community;
- (3) At the close of each fiscal year, operation and maintenance charges as specified in Env-Wq 1204.02 shall be calculated based on actual expenditures for the WRBP and measured or approximated flows; and
- (4) Credits or additional charges to each community shall be applied in the appropriate amount during the second quarterly billing of the next fiscal year based on over- or under-billing, respectively, during the prior fiscal year.

(b) Assessments for administrative charges shall be billed in accordance with RSA 485-A:50, as follows:

- (1) Estimates of each community's share of administrative costs shall be made during the first quarter of each fiscal year and shall be based upon the estimated budget for administrative costs for the WRBP for that fiscal year, and each member's estimated share of that budget; and
- (2) Billing for estimated administrative charges shall be made quarterly to each community, and shall be due and payable upon receipt by the community.

(c) Replacement charges shall be assessed as follows:

- (1) Assessment of each community's share of any replacement costs due or expected to be due in a given fiscal year shall be made during the first quarter of that fiscal year; and
- (2) Billing for assessed replacement charges shall be made in the first quarter of each fiscal year to each community and shall be due and payable upon receipt.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.07)

Env-Wq 1204.08 Application Review Charges.

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

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

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1204.08)

PART Env-Wq 1205 INDUSTRIAL PRETREATMENT RULES

Env-Wq 1205.01 Applicability.

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

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

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.01)

Env-Wq 1205.02 Industrial Discharge Permit Requirement.

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

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

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.02)

Env-Wq 1205.03 Industrial Discharge Permit Application and Approval.

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(a) Any SIU proposing to begin or recommence discharging industrial waste to the POTW shall file a discharge permit application to obtain an industrial discharge permit prior to the beginning or recommencing of such discharge.

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

(c) The application required pursuant to (a), above, shall be available from the community and shall indicate:

- (1) The name of community;
- (2) The total flow proposed to be discharged, including sanitary and industrial wastes; and
- (3) The approval and signature of the authorized community official.

(d) Any user filing to obtain an IDP shall provide the following information on an application obtained from the community:

- (1) The name, mailing address, and daytime telephone number of the user, including the name of the operator(s) employed by the user and the responsible individual who has certified the permit application pursuant to Env-Wq 1205.09;
- (2) A list of all environmental permits held by or on behalf of the user;
- (3) A brief description of the nature, average rate of production, and NAICS classification of the operations carried out by the user;
- (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 proposed discharge;
- (6) Information showing the proposed average daily and maximum daily flows, in gallons per day, to the public sewer from regulated process streams and from other waste streams;
- (7) Pursuant to Env-Wq 1205.13, a compliance schedule of actions to be taken to comply with discharge limitations if presently out of compliance;
- (8) A schematic diagram showing the production process, including the origin of each waste stream;
- (9) A listing of all chemicals used in the industrial facility which could be discharged, such as production chemicals, degreasers, and cleaning solvents;
- (10) Any other information required by applicable federal or state industrial pretreatment reporting requirements; and
- (11) Any additional information requested by the WRBP or the department based on a determination that the information is necessary to fully assess the proposed industrial discharge.

(e) If pretreatment is necessary for the SIU to comply with discharge limitations, plans for the pretreatment facilities shall be stamped and submitted by a professional engineer licensed to practice in the state of New Hampshire.

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(f) Any additional information requested pursuant to (d)(11), above, shall be submitted within 30 days of the request.

(g) The application shall contain the certification statement in Env-Wq 1205.09 signed by the individual authorized by the user to sign the statement.

(h) When the department, the community, and the WRBP approve the pretreatment or equalization of waste flows, the design and installation of these facilities shall be subject to the review and approval of the community, the WRBP, and the department and subject to the requirements of all applicable codes, ordinances, and laws. Such facilities shall not be connected until said approval has been obtained in writing from the department. Such approval shall not relieve the owner of the responsibility of discharging treated waste that meets the requirements of these rules.

(i) Where pretreatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained at all times by the user at the user's expense to meet the discharge limitations established in the user's industrial discharge permit.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.03)

Env-Wq 1205.04 IDP Duration.

(a) Subject to (b), below, an IDP shall expire one year from the effective date of the permit. Each IDP shall indicate the specific date upon which it will expire.

(b) An IDP shall terminate upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided at least 60 days in advance.

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

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

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.04)

Env-Wq 1205.05 IDP Contents.

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

(b) Each IDP shall specifically include the following:

- (1) A statement that indicates the permit duration;
- (2) Requirements for self-monitoring, sampling, reporting, notification, and record-keeping, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local rules;
- (3) Effluent limitations for the industrial waste based on applicable pretreatment standards; and
- (4) Requirements to modify the permit as necessary to conform to discharge limitation requirements or other requirements enacted by federal, state, or community rules and/or regulations.

(c) For users with reporting requirements, the IDP shall require the report to:

(1) Contain the following information:

- a. Periodic monitoring results indicating the nature and concentration of pollutants in the pretreatment effluent discharge from the regulated processes governed by pretreatment standards;
- b. The average and maximum daily permitted process flow;
- c. Whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment systems will be implemented to bring the user into compliance; and
- d. Any analytical results monitored more frequently than required by the IDP; and

(2) Be signed and certified pursuant to Env-Wq 1205.09.

(d) Each IDP shall contain:

- (1) Limits on the maximum or average rate of discharge or both, time of discharge, and requirements for flow regulation and equalization;
- (2) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to prevent accidental, unanticipated, or non-routine discharges;
- (3) Requirements for installation and maintenance of sampling facilities and equipment;
- (4) Other special permit conditions as deemed necessary by the WRBP to ensure compliance with these rules, federal laws, rules, and regulations; and
- (5) Requirements for pretreatment and self-monitoring facilities and a schedule for the user to acquire and install such facilities if they do not already exist.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.05)

Env-Wq 1205.06 Change in Discharge.

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

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

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

(d) In accordance with the criteria outlined in Env-Wq 1205.07 below, and upon approval of the discharge permit application by the WRBP pursuant to these rules and the department's industrial pretreatment program pursuant to RSA 485-A:5 and Env-Ws 904, the WRBP shall issue an amended IDP.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.06)

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

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

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(h) Any other reasons which would require a modification of the permit to accurately reflect then-current requirements or operating conditions.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.07)

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

(a) If the SIU is a corporation, by a “responsible corporate official”, which for the purpose of this paragraph means:

- (1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
- (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or
- (3) Any other person duly authorized by the corporation to sign the reports, as evidenced by the official corporate records.

(b) If the user is a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

(c) By a duly authorized representative of an individual identified in (a) or (b) above if:

- (1) The authorization is made in writing by the individual described in (a) or (b) above;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (3) The written authorization is submitted to the WRBP.

(d) If an authorization under (c) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters

for the company, a new authorization letter satisfying the requirements of (c) above shall be submitted to the WRBP prior to or together with any reports to be signed by the new authorized representative.

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.08)

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

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

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

Source. #2707, eff 5-15-84, EXPIRED: 5-15-90

New. #4845, eff 6-20-90, EXPIRED: 6-20-96

New. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.09)

Env-Wq 1205.10 Monitoring Records.

(a) SIUs subject to IDP reporting requirements shall maintain all records of information resulting from monitoring activities required to prepare such reports.

(b) Such records shall include for each sample taken:

- (1) The date, method, location, and time of sampling and the name(s) of the person(s) taking the sample;
- (2) The dates on which analyses were performed;
- (3) The dates on which results of the analyses were received by the user;
- (4) The name and address of the laboratory performing the analyses;
- (5) The analytical techniques and methods used; and
- (6) The results of all analyses.

(c) Such records shall be maintained for a minimum of 3 years and shall be made available for inspection and copying by the WRBP.

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.10)

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

(a) If sampling performed by an SIU indicates that a violation of its IDP has occurred, the SIU shall:

(1) Notify the WRBP within 24 hours of becoming aware of the violation; and

(2) Within 5 business days, submit a noncompliance report pursuant to Env-Wq 1205.15 fully describing the noncompliance, its causes, and the measures taken or to be taken to avoid recurrence.

(b) Subject to (c), below, the SIU also shall immediately repeat the sampling and analysis and submit the results of the repeat analysis to the WRBP within 30 calendar days after becoming aware of the violation.

(c) The SIU shall not be required to resample if:

(1) The WRBP performs sampling at the SIU at a frequency of at least once per month; or

(2) The WRBP performs sampling at the SIU between the time when the SIU performs its initial sampling and the time when the SIU receives the results of this sampling indicating that the violation occurred.

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.11)

Env-Wq 1205.12 National Categorical Pretreatment Standards.

(a) The WRBP shall notify SIUs of applicable categorical pretreatment standards.

(b) Compliance with categorical pretreatment standards shall be achieved within 3 years of the date such standards become effective, unless a shorter compliance time is specified in the standards.

(c) An SIU subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the POTW after the compliance date of such standards unless an amendment to its IDP that reflects the standards has been issued by the WRBP.

(d) Within 120 days after the effective date of a categorical pretreatment standard, an SIU subject to such standards shall submit a discharge permit application for a new IDP or an amendment to the existing IDP. The application shall contain the information specified in Env-Wq 1205.03.

(e) Compliance reports required by an IDP or Env-Wq 1205.03(d)(7) shall comply with Env-Wq 1205.13.

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See

Revision Note at chapter heading for Env-Wq 1200)
(formerly Env-Ws 1205.12)

Env-Wq 1205.13 Compliance Schedules and Progress Reports.

(a) Any user not meeting applicable national categorical pretreatment standards shall be subject to a compliance schedule as specified in this section.

(b) A compliance schedule shall contain the following:

(1) A list of major events required for the construction and operation of such additional pretreatment facilities as are necessary to prevent a continuation or recurrence of the violation(s);

(2) A list of other actions, such as changes to policies or procedures, as are necessary to prevent a continuation or recurrence of the violation(s);

(3) Progress increments in the form of dates for the commencement and completion of the identified major events or other actions.

(c) The major events identified in (b)(1), above, shall consist of:

(1) Hiring an engineer;

(2) Completing preliminary and final pretreatment plans;

(3) Executing contracts for major components;

(4) Commencing and completing construction; and

(5) Start-up and shake-down of the pretreatment facility.

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

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

(1) The date on which the user expects to comply with this increment of progress;

(2) The reason for the delay; and

(3) The steps being taken by the user to return the construction to the schedule established.

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

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

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

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See

Revision Note at chapter heading for Env-Wq 1200)
(formerly Env-Ws 1205.13)

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

- (a) The user shall immediately call and notify the WRBP in the event of a spill, slug discharge, pretreatment upset, or bypass.
- (b) To facilitate the implementation of (a), above, the user shall:
- (1) Instruct all employees of the requirement to immediately notify the WRBP in the event of a spill, slug discharge, pretreatment upset, or bypass; and
 - (2) Post a permanent notice which includes the WRBP's telephone number in a location that is plainly visible to the user's personnel responsible for managing wastewater discharges.
- (c) A user may allow a bypass as defined in Env-Wq 1202.05 to occur, provided the bypass:
- (1) Does not cause pretreatment standards or requirements to be violated; and
 - (2) Is unavoidable, as specified in (e), below.
- (d) If a user knows in advance of the need for a bypass, the user shall submit prior a written notice to the WRBP at least 10 days before the date of the bypass.
- (e) A bypass shall be deemed to be unavoidable if:
- (1) The bypass was necessary to prevent loss of life, personal injury, or severe property damage as defined in Env-Wq 1202.59;
 - (2) There were no feasible alternatives to the bypass, such as the use of one of the following:
 - a. Auxiliary treatment facilities;
 - b. A retention tank for untreated wastes; or
 - c. Maintenance during normal periods of equipment downtime.
- (f) The "no feasible alternative" provision of (e)(2), above, shall not be satisfied if back-up equipment could have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
- (g) If necessary to comply with 40 CFR 403.8(f)(2)(v), the WRBP shall require the user to develop, submit to the WRBP for approval based on those provisions, and implement an accidental discharge or slug discharge control plan.
- (h) The plan required in (g), above, shall address, at a minimum, the following:
- (1) A description of discharge practices, including non-routine batch discharges;
 - (2) A description of stored chemicals;
 - (3) A procedure for immediately notifying the WRBP of any accidental or slug discharge; and
 - (4) A procedure to prevent an adverse impact from any accidental or slug discharge.

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

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

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

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

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.14)

Env-Wq 1205.15 Reports of Noncompliance.

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

- (1) A discharge violation detected through analysis;
- (2) Unanticipated bypass or slug discharge; or
- (3) Upset that exceeds applicable pretreatment standards.

(b) When required to notify the WRBP, the user shall provide the following:

- (1) Oral notice by telephone within 24 hours of the time the user becomes aware of the event; and
- (2) A written report within 5 business days of the time the user becomes aware of the noncompliance.

(c) The written report required by (b)(2), above, shall include:

- (1) A description of the event and its cause;
- (2) The duration of the event, including exact dates and times;

- (3) If the event has not been corrected, the anticipated time it is expected to continue; and
- (4) Steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.15)

Env-Wq 1205.16 Imminent Endangerment.

(a) The WRBP shall, after notice by telephone or in person to the user, immediately halt or prevent any discharge that appears to the WRBP to present:

- (1) An imminent endangerment to the health and welfare of any person;
- (2) An endangerment to the environment; or
- (3) A threat of interference with the operation of the POTW.

(b) Actions available to the WRBP shall include but shall not be limited to:

- (1) Seeking ex parte temporary judicial injunctive relief;
- (2) Blocking a public sewer to halt such discharge; or
- (3) Demanding that the user take specific action to prevent or halt the discharge.

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.16)

Env-Wq 1205.17 Monitoring and Surveillance.

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

(b) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these rules and local ordinances shall be determined in accordance with standard laboratory procedure as defined in Env-Wq 1202.66 and shall be determined at the control manhole provided, or by samples taken at said control manhole. Pursuant to RSA 485-A:50, V each user shall pay all laboratory costs incurred for analysis of its water and wastes.

(c) Sampling shall be carried out by EPA-approved methods to ensure that the sample is representative of the wastes discharged to the sewer. The WRBP shall determine, based on whether the discharge is continuous or batched, whether a composite or whether a grab sample or samples shall be taken.

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.17)

Env-Wq 1205.18 Waiver.

(a) No statement contained in the sewer use rules shall be construed as preventing any waiver pursuant to Env-Ws 904 between the WRBP and any user whereby the WRBP agrees to accept an industrial waste that otherwise would be prohibited by these rules for treatment, provided that such waivers meet the conditions set forth in (b), below.

(b) A waiver shall be granted if it:

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

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.19)

Env-Wq 1205.19 Public Information. Information and data submitted to the WRBP relating to wastewater discharge characteristics shall be available to the public in accordance with RSA 91-A. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 2.302 and Env-Wq 1205.20.

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.19)

Env-Wq 1205.20 Confidential Information.

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

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

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

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

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

(3) Shall be made available to enforcement proceedings involving the person who furnished the report.

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

Source. #6304, eff 7-26-96; ss by #8124, INTERIM, eff 7-26-04, EXPIRES: 1-22-05; ss by #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1205.20)

PART Env-Wq 1206 COMMERCIAL DISCHARGE PERMITS

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.01)

Env-Wq 1206.02 Commercial Discharge Permit Requirement.

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

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.02)

Env-Wq 1206.03 CDP Application and Approval.

(a) Any person proposing to begin or recommence a commercial discharge to the POTW shall file a discharge permit application to obtain a CDP prior to the beginning or recommencing of such discharge.

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

(c) The application required pursuant to (a) above shall be available from the community and shall indicate:

- (1) The name of community;
- (2) The total flow discharged, including sanitary and commercial wastes; and
- (3) The approval and signature of the authorized community official.

(d) Any person filing to obtain a CDP shall provide the following information on an application obtained from the community:

- (1) The business name, street address, mailing address, and daytime telephone number of the owner of the commercial facility, including the name of the responsible individual who has certified the permit application pursuant to Env-Wq 1206.09;

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(2) The type of business, commercial enterprise, or activity to be covered by the CDP, including the NACIS code, if applicable;

(3) A description of any proposed pretreatment devices and the proposed service and maintenance schedule associated with the devices;

(4) A list of all chemicals proposed to be used at the commercial facility and copies of the Material Safety Data Sheets (MSDS) for all such chemicals;

(5) A list of all environmental permits held by or on behalf of the commercial facility; and

(6) Any additional information requested by the WRBP based on a determination that the information is necessary to fully assess the proposed commercial discharge.

(e) Any additional information requested pursuant to (d)(6), above, shall be submitted within 30 days of the request.

(f) The application shall contain the certification statement in Env-Wq 1206.09 signed by the individual authorized by the owner to sign the statement.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.03)

Env-Wq 1206.04 CDP Duration.

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

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

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

(1) States that the new property owner or new operator, as applicable, has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer of ownership is to occur; and

(3) Acknowledges full responsibility for complying with the existing permit conditions and these rules.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.04)

Env-Wq 1206.05 CDP Contents.

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

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

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

(1) Indicate whether there have been any changes to the facility's operations and, if so, the nature of the changes; and

(2) Be certified in accordance with Env-Wq 1206.09.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.05)

Env-Wq 1206.06 Change in Discharge.

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

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.06)

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

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.07)

Env-Wq 1206.08 Signature Requirements for Reports and Applications.

(a) Subject to (b), below, the application and reports required by Env-Wq 1206.03 and Env-Wq 1206.05, respectively, shall be signed by the owner of the commercial facility.

(b) The application and reports may be signed by a duly-authorized representative of the owner of the commercial facility if:

- (1) The authorization is made in writing by the owner;

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(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the commercial facility or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3) The written authorization is submitted to the WRBP prior to or with the first document signed by the representative.

(c) If an authorization under (b) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization letter satisfying the requirements of (b) above shall be submitted to the WRBP prior to or with any reports to be signed by the new authorized representative.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.08)

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

(a) Be signed pursuant to Env-Wq 1206.08; and

(b) Contain the following certification statement:

“I certify under penalty of law that the information in this document and any attachments hereto is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1206.09)

PART Env-Wq 1207 ADMINISTRATIVE ENFORCEMENT PROCEDURES

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

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1207.01)

PART Env-Wq 1208 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

Env-Wq 1208.01 Publication. The WRBP shall publish annually, in the largest daily newspaper published in the area where the POTW is located, a list of SIUs which, during the previous 12 months, were in SNC with applicable pretreatment standards and requirements.

Source. #8235, eff 12-22-04 (See Revision Note at chapter heading for Env-Wq 1200) (formerly Env-Ws 1208.01)

APPENDIX

Rule	Statute Rule is Intended to Implement
Env-Wq 1200	RSA 485-A:45-54; RSA 149-I
Env-Wq 1201	RSA 485-A:45-54

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Env-Wq 1202	RSA 485-A:45-54
Env-Wq 1203.01 – 1203.02	RSA 147:8; RSA 149-I:6; RSA 485-A:45-54
Env-Wq 1203.03 – 1203.11	RSA 485-A:5; RSA 149-I:6; RSA 485-A:45-54
Env-Wq 1204.01 – 1204.03	RSA 485-A:5; RSA 149-I:6; RSA 485-A:45-54
Env-Wq 1204.04	RSA 149-I:10; RSA 485-A:51
Env-Wq 1204.05 – 1204.08	RSA 485-A:50; RSA 149-I:7; RSA 149-I:8
Env-Wq 1205	RSA 147:8; RSA 149-I:6; RSA 485-A:45-54
Env-Wq 1206	RSA 147:8; RSA 149-I:6; RSA 485-A:45-54
Env-Wq 1207	RSA 485-A:54
Env-Wq 1208	RSA 485-A:54