

TOWN OF RYE
SEWER USE ORDINANCE

October 5, 1990
REVISED November 8, 1990
ADOPTED December 17, 1990
REVISED October 23, 1991
REVISED December 2, 1991
ADOPTED December 2, 1991
REVISED October 26, 1992
REVISED July 15, 1993

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ARTICLE I

AUTHORITY, PURPOSE AND APPLICABILITY

§ 100 AUTHORITY

This ordinance is enacted by the Board of Sewer Commissioners pursuant to RSA 149-I :24. The Town of Rye adopted the provisions of RSA Chapter 149-I at the March 12, 1983 Town Meeting.

§ 101 PURPOSE

The purposes of this ordinance are to regulate the use of public sewers, the installation and connection of building sewers and services and the discharge of waters and wastes into the public sewer system and to provide penalties for violations thereof within the Town of Rye, New Hampshire.

§ 102 APPLICABILITY

This ordinance is applicable to all properties and all public sewers within the Town of Rye.

§ 103 REGULATIONS OF THE TOWN OF HAMPTON

The Town of Rye has entered into an inter-municipal agreement with the Town of Hampton under which wastewater from the Town of Rye will be treated by the wastewater treatment facilities of the Town of Hampton. The inter-municipal agreement includes the following provision:

"The rules, regulations and requirements of Hampton prescribing and limiting the content of wastewater discharged, placed or otherwise permitted to flow into the sewers tributary to the treatment facilities of Hampton shall apply in Rye."

Hence, all such rules, regulations and requirements of the Town of Hampton are incorporated herein by reference.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as set forth in the Appendix to this ordinance entitled "Appendix of Sewer Use Ordinance Definitions."

ARTICLE III

USE OF PUBLIC SEWERS REQUIRED

§ 300 PROHIBITED WASTE DISPOSAL

300.1: NO person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property any human excrement.

300.2: No person shall discharge to any natural outlet within the Town of Rye any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this ordinance.

§ 301 MANDATORY CONNECTION TO PUBLIC SEWERS

301.1: The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that the occupied building of said property is within 200 feet of the public sewer.

301.2: At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 301.1, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

301.3: No house, building or property used for human occupancy, employment or other purposes shall be constructed on a lot which has a public sewer located in the street along some portion of the lot frontage unless such house, building or property is connected to the public sewer.

301.4: Pursuant to RSA 147:8, the Sewer Commissioners may waive the requirement that a property be connected to the public sewer subject to a determination that the requirements established for such waivers by RSA 147:8

have been met. Such waivers shall require an application, and a public hearing with at least 10 days notice to the owners of abutting lots or lots located across the street. The burden of proving compliance with the statute shall be on the applicant. The Sewer Commissioners may, in their discretion, deny an application for a waiver for a system that meets the statutory criteria if it is determined that the system does not comply with other state, federal, or town ordinances and regulations or for other duly determined cause.

This amendment shall be effective upon enactment.
(Adopted October 26, 1992)

§ 302 PRIVATE WASTEWATER DISPOSAL

302.1: Where a public sanitary sewer is not available per Section 301.1, the building sewer shall be connected to a private wastewater disposal system complying with all applicable NHWSPCD regulations and all regulations and ordinances of the Town of Rye.

302.2: The owner(s) shall operate and maintain private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. Septage shall be removed only by licensed operators and disposed of at site(s) designated by the Sewer Commissioners and approved by the New Hampshire Bureau of Solid Waste Management.

302.3: No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Sewer Commissioners or their authorized representatives and/or by NHWSPCD.

ARTICLE IV

BUILDING SERVICE AND CONNECTION REQUIREMENTS


§ 400 PERMITS

400.1 General: No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Commissioners. No person shall construct, add to, alter or replace any portion of a building sewer or building service that leads in any way to a public sewer without first obtaining the written approval of the Sewer Commissioners or their authorized representative.

400.2 Notification: Any person proposing a new discharge into the system or an increase in the volume, beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system shall notify the Sewer Commissioners at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharge must be approved by NHWSPCD.

The following is an excerpt from the regulations of the NHWSPCD: Except for special reasons, the NHWSPCD will approve plans for new systems, Extensions, or replacement sewers only when designed upon a separate plan, in which rain water from roofs, streets, and other areas, and groundwater from foundation drains are excluded.

400.3 Classification of Permits: Permits shall be classified as: (1) Residential Service; (2) Commercial Service; or (3) Industrial Service. F o r a l l classifications, the owner or his agent shall make application on forms prescribed by the Sewer Commissioners together with any plans, specifications, drawings or other information which the Sewer Commissioners may require.

 400.4 Permit Fee: The Sewer Commissioners shall establish (and shall review and revise from time to time as necessary) a permit and inspection fee which shall be payable at the time of application. Said fee shall be intended to recover the reasonable costs of reviewing and processing permit applications and inspecting connections

and/or the installation of building sewers and building services.

§ 401 BUILDING SEWERS AND BUILDING SERVICES

401.1 One Building-One Sewer: A separate and independent building sewer and service shall be provided for every building unless a variance is granted in writing by the Sewer Commissioners or except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In the above instance, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

401.2 Old Building Sewers and Services: Old building sewers and/or services maybe used in connection with new buildings only when they are found, on examination and test by the Sewer Commissioners or their authorized representative, to meet all requirements of this ordinance and of the NHWSPCD. The excavation of building sewers and/or services and any damages related therewith for the purposes of allowing the Sewer Commissioners' authorized representative to examine an existing building sewer and/or service shall be at the owner's sole expense.

401.3 Construction Standards: The size, slope, alignment, materials of construction of building sewers and building services and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall above all be in conformance with the NHWSPCD standard details and specifications for sewers, manholes, and house connections and any supplemental technical details, standards or specifications issued by the Sewer Commissioners.

- A. The method of installation shall also conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town. In the event that conflicts arise between Town and State requirements, the more stringent requirement shall take precedence.
- B. In amplification of building and/or plumbing code provisions, the materials and procedures set forth in appropriate specifications of the American

Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

401.4 Connection to Public Sewers: The connection of the building sewer into the public sewer shall conform to the requirements set forth in this section. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Sewer Commissioners before installation.

401.5 Open Excavations: All excavations for building sewer and service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Sewer Commissioners.

401.6 Inspection of Construction: The applicant for the building sewer and service permit shall notify the Sewer Commissioners when the building sewer and service are ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Sewer Commissioners or their authorized representative.

401.7: No work shall be performed on the public sewer without the prior approval of the Sewer Commissioners or their authorized representative. All approved work shall be performed under the supervision of the Sewer Commissioners or their authorized representative.

§ 402 DRAINS

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

§ 403 COSTS, EXPENSE AND DAMAGES

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

condition at least equal to preceding conditions in the opinion of the Sewer Commissioners, at the owner's sole expense.

§ 404 LICENSED SEWER INSTALLERS

404.1 General: No person engaged in laying building sewers and building services and/or making connections to public sewers shall engage in or work at such business within the Town of Rye until they shall have obtained a Sewer Installer License from the Town.

404.2 Licensing Authority: The Sewer Commissioners shall be the licensing authority and shall examine and pass on all applicants who seek a Sewer Installer License. The license, once granted, may be revoked, upon notice, for poor workmanship, safety violations, failure to comply with the requirements of this ordinance and any other rules, regulations and specifications incorporated herein by reference or inept or fraudulent business practices.

404.3 License Fee: The fee for a Sewer Installers License shall be \$100, paid annually.

404.4 List of Licensed Installers: The Sewer Commissioners shall maintain and duly post a current list of all licensed Sewer Installers.

§ 405 VARIANCES

Whenever in the opinion of the Sewer Commissioners special conditions arise that render it impracticable to comply with all the provisions specified in this section, modifications may be allowed. The granting of a variance, which in the judgement of the above officials is not adverse to the public interest, shall be made on a case by case basis and shall not constitute a precedent for any future determination or action. Permission for a variance must be obtained in writing from the Sewer Commissioners.

ARTICLE V

USE OF PUBLIC SEWERS

§ 500 GENERAL

No person shall discharge or cause to be discharged to the wastewater facilities any unpolluted or polluted waters such as stormwater, groundwater, roof runoff, or subsurface drainage.

§ 501 STORMWATER

Stormwater and all unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town and the NHWSPCD.

§ 502 INDUSTRIAL DISCHARGES

502.1 Cooling Water and Process Waters: Unpolluted industrial cooling water or process water require an NPDES permit prior to being discharged to a storm sewer, if available, or to a natural stream or water course. Industrial cooling water or unpolluted process waters also require an NPDES permit prior to being discharged to a storm sewer, or natural outlet.

502.2 Pollutants: Pollutants introduced into the POTW by an industrial user shall not pass through or interfere with operation or performance of the works.

502.3 Protection from Bypass:

- A. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The industrial user shall notify the Sewer Commissioners immediately in the event of any bypass.
- B. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.
- C. A notice shall be permanently posted plainly visible to an industrial user's personnel responsible for managing wastewater discharges, which shall instruct all employees whom to call in

the event of a spill, slug discharge, pretreatment upset or bypass. Employers shall insure that all employees who may cause or suffer such a discharge to occur, know of the required notification of the Sewer Commissioners.

502.4 Monitoring of Industrial Wastes:

- A. All industrial users shall perform such monitoring of their discharges as the Sewer Commissioners and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Sewer Commissioners. Such records shall be made available upon request by the Sewer Commissioners to other agencies having jurisdiction over discharges to the receiving waters.
- B. When required by the Sewer Commissioners the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building service to facilitate observation, sampling, and measurement of the wastes. Such a structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Sewer Commissioners. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- C. If sampling performed by an industrial user indicates a violation, the user shall notify the Sewer Commissioners within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Sewer Commissioners within 30 days after becoming aware of the violation, except that the Industrial User is not required to resample if: (1) the Town performs sampling at the industrial user at a frequency of at least once per month, or (2) the Town performs sampling at the Industrial User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

502.5 Special Agreements: No statement contained in this ordinance, except for Section 503, shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with any User Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.

502.6 Approval of Town of Hampton: All industrial discharges and/or special agreements regarding industrial discharges shall be approved by the Town of Hampton pursuant to Section 103 herein and the inter-municipal agreement between the Town of Rye and the Town of Hampton.

§ 503 PROHIBITED DISCHARGES

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

503.1: Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

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

503.3: Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant including but not limited to cyanides in excess of .004 mg/l as CN in the wastes discharged to the public sewer.

503.4: Any water or wastes having a pH lower than 5.5 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.

503.5: Solid or viscous substances in quantities or such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

503.6: Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104° (40°C) or cause inhibition of biological activity in the POTW.

503.7: Strong acid pickling waste and concentrated plating, whether neutralized or not.

503.8: Any discharge not permitted by the Town of Hampton.

§ 504 LIMITED DISCHARGES

504.1 General: The substances, materials, water or wastes described in Section 504.3 shall be limited in discharges to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance.

504.2 Effect of Limitations: If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 504.3 and which in the judgment of the Sewer Commissioners may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Sewer Commissioners may, subject to the limitations in Section 503 and Section 502.5:

- A. Reject the wastes.
- B. Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Require control over the quantities and rates of discharge, and/or

- D. Require payment to cover added cost of handling and treating the wastes.

If the Sewer Commissioners permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Sewer Commissioners, the Town of Hampton and the NHWSPCD.

504.3 List of Limited Discharges: The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Sewer Commissioners are as follows:

- A. Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- B. Wastewater from industrial plants containing floating oils, fat or grease in a concentration exceeding 25 mg/l whether emulsified or not. Further, oils, fats, waxes and greases should be excluded which become viscous within the temperature range from 32°F to 150°F.
- C. Wastewater containing more than 100 mg/l of oil and grease or floatable oil not limited by Paragraph A and B above.
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the NHWSPCD, EPA or the Sewer Commissioners for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Sewer Commissioners.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits

established by the Sewer Commissioners in compliance with applicable State or Federal regulations.

- H. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving water.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- K. Any waters or wastes which exert an excessive chlorine demand.
- L. Material(s) which exert or cause unusual concentrations of inert suspended solids, unusual oxygen or chlorine demand, or excessive discoloration.
- M. Any waters or wastes having a 5-day BOD greater than 250 mg/l.
- N. Any water or wastes containing more than 300 mg/l of suspended solids.

504.4 More Stringent Limitations: Subject to the approval of the Town of Hampton, the Sewer Commissioners may set limitations lower than the limitations established herein if, in their opinion, more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Sewer Commissioners will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. However, the Sewer Commissioners shall not permit those discharges which are prohibited by Section 503, above.

§ 505 REQUIREMENTS FOR SPECIAL FACILITIES

505.1 Grease Interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commissioners they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified Section 504.3 A, B, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates, and means of disposal which are subject to review by the Sewer Commissioners. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.

505.2 Grease Traps: Grease traps shall be installed at owner(s) expense on the building service and on the owner's private property for all commercial restaurants and for all other dining facilities with capacity for seating ten or more people. Such grease traps shall be designed to effectively remove greases and oils and shall have a design complying with NHWSPCD standards. Prior to installation, plans and specifications for the grease trap shall be submitted to the Sewer Commissioners for review and approval. The grease trap shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these grease traps, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain a record of the dates and means of disposal which are subject to review by the Sewer Commissioner. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms. The Sewer Commissioners shall, be notified of each grease trap pumping.

505.3 Pretreatment and Flow Equalizing Facilities: Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

§ 506 MEASUREMENTS, TESTS, ETC

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with EPA approved methods published in the

Code of Federal Regulations, Title 40, Part 136 (40 CFR 136), or if none are available, then with methods specified in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Sewer Commissioners.

§ 507 DILUTION OF WASTES

It shall be illegal to meet requirements of this ordinance by diluting wastes in lieu of proper treatment.

ARTICLE VI

EXTENSIONS AND EXPANSIONS

§ 600 EXTENSIONS OF PUBLIC SEWER SYSTEM

600.1 General: The Sewer Commissioners may approve Extensions of the public sewer system pursuant to the provisions of this section.

600.2 Length: The minimum length of public sewer Extension shall be as required by the Board of Sewer Commissioners. All Extensions shall connect to existing sewers via a manhole and shall terminate with a manhole.

600.3 Cost: The Town of Rye shall not be responsible for the cost of constructing Extensions nor for any incidental expenses related thereto.

§ 601 EXPANSIONS OF PUBLIC SEWER SYSTEM

In order to manage the future growth of the public sewer system in a manner that is compatible with both the limited treatment capacity negotiated with the Town of Hampton and the Town of Rye's overall planning, zoning and growth management policies, the public sewer system shall not be expanded beyond the service area shown on Attachment A to this ordinance. No variance to this provision shall be granted without the concurrence of a vote of the Town Meeting.

If an expansion of the public sewer system is approved by the Town of Rye, construction plans and specifications shall be approved by the Town of Hampton prior to construction approval.

§ 602 TECHNICAL REQUIREMENTS

602.1 Plans and Specifications: Plans and specifications for an Extension shall fully meet all applicable standards of the NHWS&PCD, the Town of Rye and the Town of Hampton. Such plans and specifications shall be prepared by an engineer on the NHWS&PCD list of engineers approved for the design of public sewer plans and specifications shall be submitted to the Sewer Commissioners for approval. No construction shall proceed with the Sewer Commissioners approval of plans and specifications.

Plans and specifications for sewerage consisting of more than a single building connection to an existing sewer or

where a manhole is required at the sewer connection or where a pumping station serving more than a single dwelling and external to the building shall be submitted to the NHWS&PCD for approval.

602.2 Construction: Construction of public sewer Extensions shall be undertaken only by construction contractors experienced in the construction of public sewers in the judgement of the Sewer Commissioners.

602.3 Bond: Prior to initiating construction, the construction contractor shall provide a 100 percent Performance Bond, a 100 percent Payment Bond and Liability and Workman's Compensation Insurance Certificates to the Town of Rye in an amount and form acceptable to the Sewer Commissioners. Such Bonds shall be usable by the Town of Rye to complete construction, to correct substandard work or to pay creditors and vendors, if required. The contractor shall indemnify and hold the Town and its employees and agents harmless of all liabilities of any nature.

602.4 Building Services: Building services and/or building sewers shall not be connected to an Extension until the Extension is inspected and approved by the Sewer Commissioners or their authorized representative as complying with the approved plans and specifications and all state and local requirements. Building sewers and/or building services which are connected to the Extension shall comply with all requirements of this ordinance.

ARTICLE VII

ADMINISTRATION

§ 700 GENERAL

The Sewer Commissioners shall have the authority to delegate any and all responsibilities set forth in this ordinance to duly authorized representatives whether such representatives be Town employees, contractors or other agents.

§ 701 AUTHORITY TO ENTER PRIVATE PROPERTY

- A. The Sewer Commissioners and other duly authorized persons bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, inspection and copying of records and testing pertinent to discharge to the wastewater facilities, in accordance with the provisions of this ordinance.
- B. While performing the necessary work on private property referred to above, the Sewer Commissioners or other duly authorized persons shall observe all safety rules applicable to the premises, established by the company. The company and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

§ 702 INFORMATION FROM PRIVATE SOURCES

The Sewer Commissioners or their duly authorized representatives are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The information in question shall be made available upon written request to governmental agencies. The burden of proof that information should be held confidential rests with the industrial user. However, information about wastewater

discharged by the industrial user (flow, constituents, concentrations, characteristics and similar information) shall be available to the public without restriction.

ARTICLE VIII

ENFORCEMENT AND PENALTIES

§ 800 DAMAGE TO WASTEWATER FACILITIES

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

§ 801 OTHER VIOLATIONS OF ORDINANCE

- A. Any person found to be violating any provision of this ordinance, except Section 800, shall be served by the Sewer Commissioners with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Sewer Commissioners may, after informal notice to the person discharging wastewater to the wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Sewer Commissioners in response to violations of this ordinance include ex parte judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.
- B. Any person found to be violating any provisions of this ordinance, except Section 800, shall be fined in the amount not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned by the Town by release of such violation.

ARTICLE IX

SEVERABILITY

Should any section or provision of this ordinance be declared invalid by any court or other authority of competent jurisdiction, such holding shall not affect, impair or invalidate any other section or provision which can be given effect without such invalid part or parts, and, to such end, all sections and provisions of this ordinance are hereby declared to be severable.

ARTICLE X

AMENDMENT

This Ordinance may be amended by the Sewer Commissioners only after a public hearing on the amendment. Notice of such hearing shall be posted in two public places and published in the Portsmouth Herald at least ten (10) days prior to the hearing (not counting either the hearing date or the date of notice). Said notice shall summarize the content of the proposed amendment and shall indicate where the full text of the proposed amendment may be inspected.

ARTICLE XI

EFFECTIVE DATE

This ordinance shall be effective upon passage and all ordinances in conflict herewith are hereby repealed.

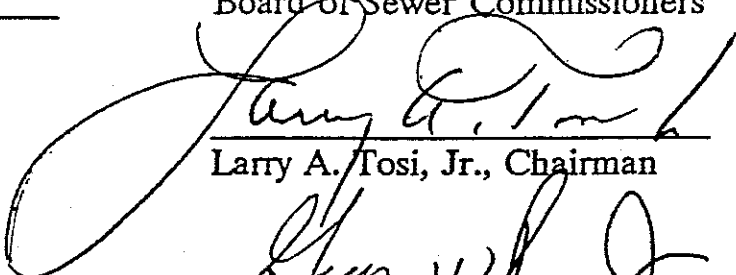
RYE SEWER COMMISSIONER'S ORDINANCE

Re-Adopting Sewer Use Ordinance

1. Pursuant to the authority of RSA 149-I:19, the Board of Sewer Commissioners of the Town of Rye hereby re-adopts the Rye Sewer Use Ordinance, enacted by the Rye Board of Selectmen on December 17, 1990, except as noted herein.
2. Said ordinance is hereby amended to delete the definition of "SELECTMEN" and to replace the word "Selectmen" with the words "Sewer Commissioners" at each place in the text of the ordinance where the word "Selectmen" is found.

Date: 7/15/93

Board of Sewer Commissioners


Larry A. Tosi, Jr., Chairman


George Page, Co-Chairman


Leon Valley

APPENDIX OF SEWER
USE ORDINANCE DEFINITIONS

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

BUILDING SERVICE: That part of the lowest horizontal piping of a piping system which receives the discharge from waste pipes inside the walls of the building and conveys it to the building sewer at the property line, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The Extension from the building service to the public sewer or other place of disposal.

BYPASS: The intentional diversion of wastestreams from any portion of an industry user's pretreatment facility.

DOMESTIC WASTEWATER: Water-carried household and toilet wastes discharged by any property served by a sanitary sewer excluding ground, surface, or storm water.

EPA: The Environmental Protection Agency of the U.S. Government.

EXCESSIVE: Amounts or concentrations of a constituent of a wastewater which in the judgment of the Sewer Commissioners, (a) will cause damage to any Town wastewater facility, (b) will be harmful to a wastewater treatment process, (c) cannot be removed in the Town treatment works to the degree required to meet applicable effluent standards, (d) can otherwise endanger life, limb or public property and (e) can constitute a nuisance.

EXPANSION: Construction of sewers which will provide service to any area beyond that defined as the ultimate Sewer Service Area by Attachment. A.

EXTENSION: Construction of sewers which will provide service to any area within the ultimate Sewer Service Area as delineated on Attachment A. Upon approval of an Expansion in Accordance with the provisions of this Ordinance, such Expansion shall be deemed an Extension. Notwithstanding the provisions of Attachment A, the construction of sewers to serve the seven residences existing as of December 17, 1990, immediately south of Jenness Beach State bathhouse, shall be considered an Extension.

FLOATABLE OIL: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an

approved pre-treatment facility. A wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection and/or treatment system.

GARBAGE: The animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food, and from the handling, storage, and sale of produce. It is composed largely of putrescible organic matter and its natural moisture content.

INDUSTRIAL WASTEWATER: The wastewater containing the liquid wastes from industrial manufacturing processes, laboratory, trade, or business establishments as distinct from domestic wastewater.

INDUSTRY: An establishment with facilities for mechanical, testing, trade, or manufacturing purposes.

MAY: Is permissive. See "SHALL."

NATURAL OUTLET: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

NHWSPCD: The Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services, or its successor agency.

NPDES: Shall mean the National Pollutant Discharge Elimination System.

PERSON: Any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or other entity. Person includes the plural, "persons."

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter (g/l) of solutions.

PROPERLY SHREDDED GARBAGE: Garbage that has been shredded to such that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

POTW or PUBLICLY OWNED TREATMENT WORKS: A wastewater treatment works which is caused by a state or a municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works.

PUBLIC SEWER: A common sewer controlled by the Town of Rye or any precinct therein.

RECEIVING WATERS: Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of wastewaters.

SANITARY SEWER: A sewer which carries wastewater, and to which storm, surface, and groundwaters are not admitted intentionally.

SCREENING LEVEL: That concentration of a pollutant which under baseline conditions, would cause a threat to personnel exposed to the pollutant, or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

SEWER COMMISSION: The Board of Sewer Commissioners of the Town of Rye.

SEPTAGE: The solid, semi-solid, or liquid waste material from septic tanks or other sewage storage units excluding sewage sludge from public treatment works.

SERVICE, COMMERCIAL: The sewer service from any of the following: (1) a building with three or more dwelling units; (2) a mobile home park or tourist camp (cabin) development; (3) a lodging house, group quarters, tourist home, bed and breakfast facility or nursing home; (4) any other non-residential building or use, except one producing industrial wastewater.

SERVICE, INDUSTRIAL: The sewer service from a place of business producing industrial wastewater as defined herein.

SERVICE, RESIDENTIAL: The sewer service from a single-family or two-family unit to the public sewer or a sewer service from a mobile home on a single building lot.

SEWAGE: The spent water of a community. The preferred term is "WASTEWATER."

SEWER: A pipe or conduit that carries wastewater, whether by pressure or gravity flow.

SHALL: Is mandatory. See "MAY."

SLUG: Any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour

concentration or flows during normal operation and may adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN: A pipe or conduit which carries storm and surface waters and drainage and unpolluted water such as cooling water but excludes domestic sewage and industrial wastewater.

SUSPENDED SOLIDS (SS): Suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and which is removable by laboratory filtering and is referred to as non-filterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater."

TOWN: The Town of Rye, New Hampshire.

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

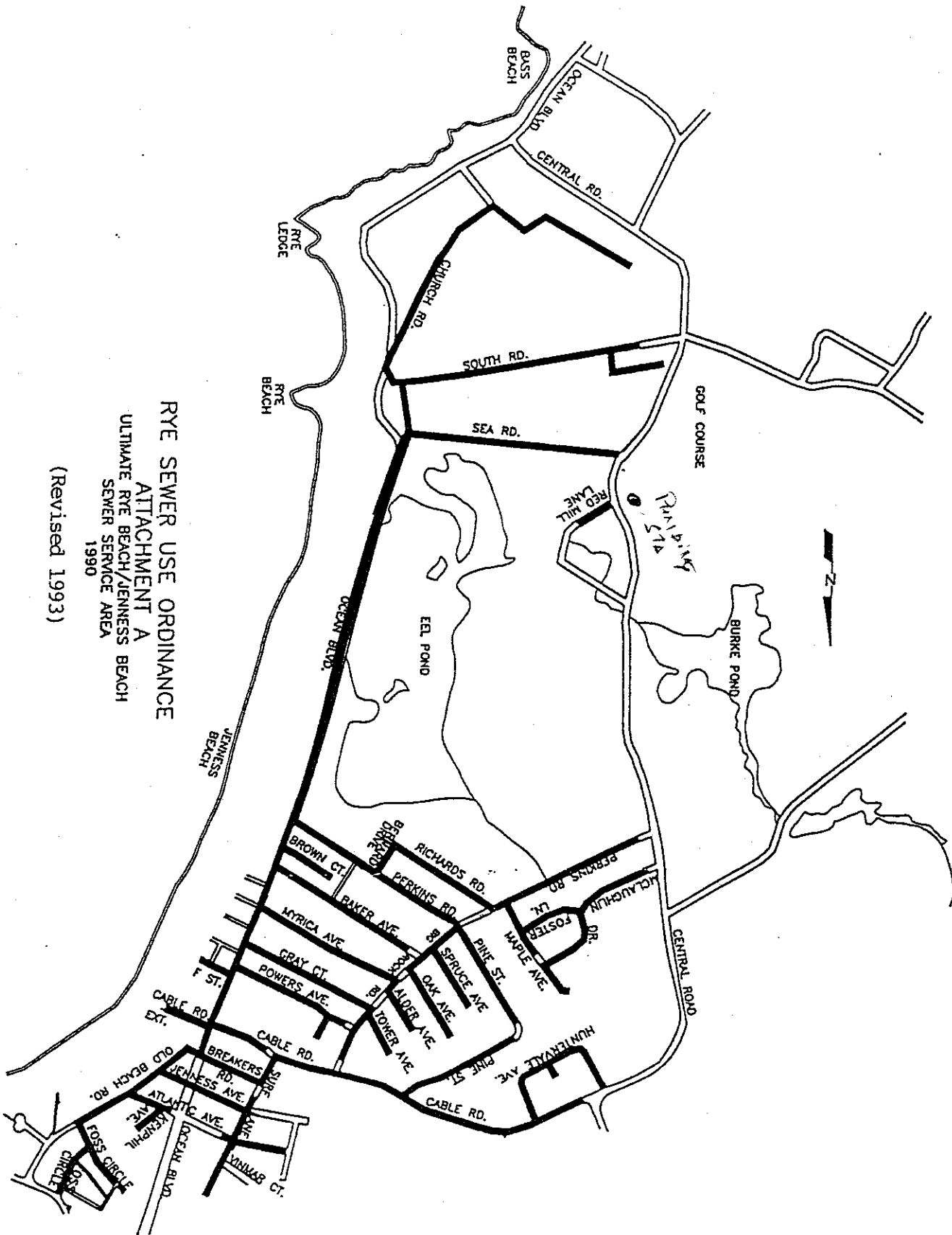
WASTES: Substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER: The spent water of a community and may be a combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water stormwater that maybe present.

WASTEWATER FACILITIES: Include conduits and structures for the purpose of collecting, treating and disposing of domestic and/or industrial or other wastewaters and shall include all collection and intercepting sewers, pumping stations and force mains, treatment and disposal works and all appurtenances connected therewith.

WASTEWATER WORKS: Wastewater facilities.

WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently.



RYE SEWER USE ORDINANCE
ATTACHMENT A
ULTIMATE RYE BEACH/JEANNETTE BEACH
SEWER SERVICE AREA
1990

(Revised 1993)

