

**TOWN OF PEMBROKE  
NEW HAMPSHIRE**

**SEWER USE ORDINANCE**

December 1993

**Hoyle, Tanner & Associates, Inc.**  
Bedford, New Hampshire



**TOWN OF PEMBROKE**

**SEWER USE ORDINANCE**

**RULES AND REGULATIONS CONCERNING USE OF PUBLIC SEWERS**

<u>Article</u>	<u>Description</u>	<u>Page</u>
	Purpose .....	1
	Definitions .....	2
II	Use of Public Sewers Required .....	9
III	House and Building Connections to Public Sewers .....	10
IV	Regulating the use of Public Sewers and the Discharge of Water and Wastes Into the Public Sewer System .....	15
V	Powers and Authority of Inspectors .....	25
VI	Protection from Damage .....	27
VII	Penalties for Violations .....	28
VIII	Extension of Public Sewers .....	29
IX	Sewer User Charges .....	30
X	Validity .....	35
XI	Ordinance in Force .....	36
	Appendix I Rate Structure	

TOWN OF PEMBROKE, NEW HAMPSHIRE

SEWER USE ORDINANCE

RULES AND REGULATIONS CONCERNING USE OF PUBLIC SEWERS

PURPOSE

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-1:6, the Rules and Regulations herein set forth for the maintenance and operation of the Pembroke Municipal Sewer System are established by the Board of Sewer Commissioners of the Town as necessary to insure proper removal and disposal of sewage and wastewater within the Town of Pembroke discharged to the Suncook Wastewater Treatment Facility shared between the Town of Pembroke and the Town of Allenstown; to insure the proper operation and maintenance of public sewers, drains, pumping stations, Suncook wastewater treatment plant and other drainage or wastewater facilities within the town; and to keep adequate records of sewers, drains and appurtenances and connections thereto; the following ordinance regulating the construction, use, repair, alteration and discontinuance or abandonment of sewers, drains and appurtenances; the connections thereto, including drains and pipes discharging directly or indirectly into said sewers or drains; and the substances to be discharged directly or indirectly into and through sewers, drains and appurtenances of the public sewer system and storm drainage of; and providing penalties for violations thereof; in the Town of Pembroke, County of Merrimack, State of New Hampshire, is hereby ordained and enacted by the Town of Pembroke, New Hampshire, Board of Sewer Commissioners.

## ARTICLE I

### DEFINITIONS

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

**101:** Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

**102:** Board shall mean Pembroke Board of Sewer Commissioners.

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

**104:** Building Sewer (Gravity or Force Main) shall mean the extension from the end of the building drain (i.e. 5' from inner face of building wall) to the public sewer or other place of disposal, also called the house connection the operation, maintenance, repair and replacement of which shall be the responsibility of the sewer user.

**105:** Bypass shall mean the intentional diversion of waste streams from any portion of an industrial user's pretreatment facility or any portion of a POTW.

- 106:** Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.
- 107:** Commercial Establishment shall mean any business or professional concern which provides a service and shall include any such concern occupying one or more rooms in a structure with available sanitary facilities whether such facilities are located within the space occupied by such concern or elsewhere in the structure.
- 108:** Domestic Wastewater or "sanitary sewage" shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or stormwater.
- 109:** Dwelling Unit shall mean one or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 110:** Easement shall mean an acquired legal right for the specific use of land owned by others.
- 111:** Facility shall mean the public sewer and/or the Suncook wastewater treatment facility.
- 111:** Flat Fixed Fee Charge shall mean a basic charge for the convenience of sewage or wastewater disposal services.
- 112:** Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

- 113:** Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- 114:** Industrial Establishment shall mean any business concern which manufactures or produces a product.
- 115:** Industrial User shall mean a person who discharges industrial wastes to the sanitary sewer of the Town.
- 116:** Industrial Wastes shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- 117:** Lateral shall mean that portion of the building sewer within a public right-of-way or public easement from the public sewer main to the edge of the public right of way or easement.
- 118:** May is permissive (see "Shall").
- 119:** Multiple Dwelling Unit Structures shall mean structures comprising of two (duplex), three or more dwelling units.
- 120:** National Categorical Pretreatment Standard or Categorical Pretreatment Standard shall mean any regulations containing pollutant discharge limits promulgated by USEPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1347), which apply to a specific category of industrial users and which are found in the code of Federal Regulations 40 CFR Subchapter N, Parts 401 through 471.
- 121:** Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

- 122:** Pass Through shall mean the discharge of pollutants through the POTVV into surface waters in quantities or concentrations, which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.
- 123:** Person shall mean any individual, firm, company, association, society, corporation, group, partnership, municipality, governmental subdivision or other entity.
- 124:** pH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of  $10^{-7}$ .
- 125:** POTW or Publicly Owned Treatment Works shall mean a wastewater treatment works which is owned by a State or a municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal wastewater or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTVV wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works.
- 126:** Properly Shredded Garbage shall mean the animal or vegetable wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than half an inch (1.27 centimeters) in any dimension.
- 127:** Public Sewer shall mean a common sewer controlled by a governmental agency or public utility.

- 128:** Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- 129:** Sewage is the spent water of a community. The preferred term is 'wastewater.
- 130:** Sewer shall mean a pipe or conduit that carries wastewater or drainage water.
- 131 Sewer Service Area all properties with structures located within 200 feet of the public sewer.
- 132 Sewer User Charge shall mean a charge for defraying the cost of the sewer system. Said charge consists of a flat fixed fee charge and a user charge.
- 133:** 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.
- 134:** Shall is mandatory (see "May").
- 135:** Slug shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation or which shall adversely affect the collection system and/or performance of the wastewater treatment works.

- 136:** Standard Methods shall mean the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association.
- 137:** Storm Drain ("storm sewer") shall mean a drain or sewer for conveying storm-water, groundwater, surface water, or unpolluted water from any source.
- 138:** Superintendent shall mean the supervisor of wastewater facilities of the Town of Pembroke, or his/her authorized deputy, agent or representative.
- 139:** Suspended Solids (SS) shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the examination of Water and Wastewater" and referred to as nonfilterable residue.
- 140:** Town shall mean the Town of Pembroke, New Hampshire.
- 141:** Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 142:** User Charge shall mean a charge based on the volume and strength of wastewater discharge.
- 143:** User Charge Formula shall mean the formula to be used in computing the user charge.

$$c = (V_c \times V_u) S_c$$

c - The user charge for the billing period.

- Vc     ▪     The unit cost for the treatment per thousand gallons of the wastewater volume at the given rate.
- Vu     ▪     The volume in gallons of wastewater discharged during the billing period.
- Sc     •     Standard service charge per billing period.

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

**145:** Wastewater Facilities shall mean the structures, equipment, and processes required to collect, convey, pump, and treat domestic and industrial wastewater and dispose of the effluent.

**146:** Wastewater Treatment Works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes termed "wastewater treatment plant", "wastewater treatment facility", or "water pollution control plant".

**147:** Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

**148:** WSPCD shall mean the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services.

**ARTICLE II**

**USE OF PUBLIC SEWERS REQUIRED**

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

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

203: Except as hereinafter provided, it shall be unlawful to construct, maintain, or repair any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the sewer service area.

204: 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 a public sanitary sewer of the Town is located, is hereby required at the Owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the said house or building.

### ARTICLE III

#### HOUSE AND BUILDING CONNECTIONS TO PUBLIC SEWERS

---

301: No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer appurtenance thereof without first obtaining a written permit from the Board.

302: There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, producing only domestic wastewater, and (2) for service to establishments producing industrial wastes. In either case, the Owner(s) or his agent shall make written application to the Pembroke Sewer Commission. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit fee of Three thousand Dollars (\$3,000.00) per unit for a residential home up to 3 bedrooms. Residential with more than 3 bedrooms, Commercial and Industrial building sewer permit shall be based on Appendix B: Flow Design Calculations for the building at a Rate of Thirteen Dollars and Thirty Three cents, (gpd) gallons per day (\$13.33) sewer permit shall be paid to the Board at the time the application is filed. The application/request for sewer permit shall state the location and ownership of the property to be served by the sewer or drain in question, the post office address of said property owner, a brief description of the work to be done and how the Owner(s) will certify that he indemnifies the Town and hold others harmless for damages, loss, or damage claims of every kind and nature.

**NEW:** Pembroke System Development Fee: No provision in these Rules and Regulations shall prevent the Board from assessing fees in order to derive the cost of expanding or enlarging sewer or treatment plant capacity to accommodate the additional wastewater contribution generated by development. In order to be considered for approval, a proposed applicant will be required to pay the Board a System Development Charge (SDC) sum equal to a minimum of \$ 1,533.80 per new equivalent dwelling unit (NEDU)

to be severed by the sewer-extension. For the purpose of this subsection, one flow unit equals 225 gallons per day.

Fractional flow units shall be Six Dollars and 82 cents per gallon per day (\$6.82) for each service. Existing single-family dwelling units serviced by the sewer shall be exempt. The first dwelling unit, or equivalent, for existing multi family dwelling units shall also be exempt. Commercial and Industrial units will not have any exemptions. Such System Development Charges will be applied by the commission to the construction of improved Wastewater Treatment capacity at the plant and other sewer works. Upon payment of the System Development Charge, the Board would commit or reserve sufficient treatment plant capacity to accommodate the applicant and reserve the same for a 2 year period of time. The Board shall in its sole discretion determine the feasibility of allowing a sewer-extension and the concomitant reservation of capacity. If a change in the use of the property occurs which will increase the water consumption/sewer discharge after the system Development Charge has been paid, the SDC for the additional use must be paid. The Board is not obligated to refund any previously submitted System Development Charges.

Exception to the above for flow units for dwelling units restricted to 55 and over, Owners shall be 110 gallons per day.

All sewer permits that are granted by the Board will have a two-year limitation period.

303: All cost and expenses incidental to the installation, connection, maintenance and repair of the building sewer shall be borne by the Owner(s). The Owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

All authorized connections by permit to the public sewer shall be inspected and approved by a representative of the Town of Pembroke Sewer Commission and all cost for this inspection shall be borne by the Owner(s) on an actual cost basis.

The installation of the lateral from the public sewer to the Owner's building sewer at the property line will be at the expense of the owner for connection to the public sewer system when the public sewer has no existing lateral.

**304:** A separate and independent building sewer shall be provided for every building lot; except where one building lot stands at the rear of another on an anterior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building 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 aforementioned.

**305:** Old building sewers may be used in connection with new building(s) only when they are found, on inspection and testing by the Board, to meet all requirements of this ordinance.

**306:** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Pembroke. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ATSM and WPCF Manual of Practice #9 shall apply.

Construction of new dwellings on non-metered premises shall be required to install a private meter, as approved by the Board, with readomatic meter in gallons on outside of the building.

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

**308:** No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment. Changes in direction shall be made only with properly curved pipe and fittings as approved by the Board.

**309:** All excavations required for the installation of the building sewer shall be open trench work unless otherwise approved by the Board. Pipe laying and backfill shall be as approved by the Board. No backfill shall be placed until the work has been inspected.

**310:** All joints shall be of the rubber gasket type where the gaskets are in compression. All joints shall be sealed so as to remain tight under all conditions of service.

**311:** Special fittings such as wye saddles shall be used for connection to the public sewer as approved by the Board.

**312:** The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Board or its representative.

The Board shall be notified not less than twenty-four (24) hours in advance of the time that any connection is to be made to any public sewer, and such connection shall be

made only in the presence of the inspector or representative of the Pembroke Sewer Commission and according to his instructions.

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

**314:** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and Board at the expense of the Owner.

**315:** All sewer lines must be 10 feet from any water line. If this distance is not possible then the water line must be kept at least 18 inches- above and 3 feet to one side of the sewer. If at any point the water line is below the sewer, then either the water line or the sewer must be relocated.

**316:** Any person proposing a new discharge into the system or a discharge of listed or characteristic waste, or an increase in the volume, or in the strength or character of pollutants that are discharged beyond limits previously permitted, into the system shall notify the Board 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 the New Hampshire Water Supply and Pollution Control Division.

## ARTICLE IV

### REGULATING THE USE OF PUBLIC SEWERS AND THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM

401: (A) No person(s) shall discharge or cause to be discharged to the wastewater facilities any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, non-contact cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Any person proposing a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Board at least 60 days prior to the proposed change or connection.

402: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Board. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer, combined sewer or natural outlet.

403: (A) Pollutants introduced into the sanitary sewer by an industrial user shall not pass through or interfere with operation or performance of the POTW.

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

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than

140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 281.21.

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.
3. Any waters or wastes having pH lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
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 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 fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C) or wastewater sufficiently hot to cause the influent at the wastewater treatment works to exceed 104°F (40°C) or cause inhibition or biological activity in the wastewater treatment plant.
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The superintendent shall not permit those discharges which are prohibited by Section 403 of the Article. 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 superintendent are as follows:

- A. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- B. Wastewater containing more than 100 milligrams per liter of oil and grease or floatable oil not limited by paragraph A of this Section.
- C. Any garbage that has not been properly shredded (see Article I, Section 113). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar

places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

- D.** Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree than any such material discharged to the public sewer exceeds the limits established by the superintendent, the WSPCD, or the National Categorical Pretreatment Standards, as promulgated by the US. Environmental Protection Agency, for such materials.
- E.** Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent.
- F.** Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- G.** Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- H.** Waters or wastes containing substances which are not amenable to treatment by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the permitted discharge.
- I.** 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.
- J.** Wastewater with any of the following constituents at concentrations greater than those indicated by local limits established by the POTW.

- K Wastewater which has a concentration of any pollutant above the screening levels established by the POTW. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the dilution present.

405: If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or processes the characteristics enumerated in Section 404, and which in the judgment of the Board may have a deleterious effect upon the wastewater facilities, process, equipment or receiving waters, or which equipment otherwise create a hazard to life or constitute a public nuisance, the Board may, subject to limitations in Sections 403 and 411:

- 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 the added costs of handling and treating the wastes.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the facilities shall be subject to the review and approval of the Board and the WSPCD and subject to the requirements of all applicable codes, ordinances, and

laws. Such facilities shall not be connected to the sanitary sewer until said approval is obtained in writing. Such approval shall not relieve the Owner(s) of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire.

**406:** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts as specified in Section 404, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. In the maintaining of these interceptors the Owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Board. Any removal and hauling of the collected materials not performed by Owner(s) personnel must be performed by currently licensed waste disposal firms.

When installed, all grease, oil, and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

**407:** All industrial waste shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable National Categorical Pretreatment Standards, state pretreatment standards or standards established by the Board, whichever is more stringent. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be

maintained continuously in satisfactory and effective operation by the Owner(s) at his expense.

**408:** When required by the Board, the Owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Board. The structure shall be installed by the Owner(s) at his expense and shall be maintained so as to be safe and accessible at all times.

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

**409:** The Board may require a user of sewer services to provide information needed to determine compliance with this ordinance. The requirements may include:

- A.** Wastewater discharge peak rates and volume over a specified time period.
- B.** Chemical analyses of wastewaters.
- C.** information on raw materials, processes, and products affecting wastewater volume and quality.
- D.** Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

- E.** A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- F.** Plans and specifications of wastewater pretreatment facilities.
- G.** Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

**410:** 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 and shall be obtained at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the Building Sewer is connected. If no downstream manhole exists where a representative sample can be taken, then the sample location will be determined by the Board. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all discharges of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all discharges whereas pH's are determined from periodic grab samples). Sampling methods, location times, durations, and frequencies shall be subject to approval by the Board.

**411:** No statement contained in the article, except for Section 403, shall be construed as preventing any special agreement or arrangement between the Board and any industrial user whereby an industrial waste of unusual strength or character

may be accepted by the Board for treatment subject to payment therefore by the Industrial concern, provided that such agreements do not contravene any requirements of existing Federal and/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.

**412:** Septic tank waste (septage) may be accepted at the Suncook WWTP in Allenstown, at such times as are established by the treatment plant, and as directed by the supervisor of the treatment plant, provided such wastes do not contain toxic pollutants or materials, and provided such discharge does not violate any of the provisions set forth in this Ordinance. Permits to use such facilities shall be under the jurisdiction of the Board. The discharge of industrial wastes as "industrial septage" requires prior approval by the WSPCD. Fees for dumping septage are \$150.00 per dump plus fifteen cents (\$.15) per gallon after the first 1,000 gallons. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Suncook wastewater treatment plant and disposal shall be accomplished under supervision of facility personnel unless specifically permitted otherwise. Septage will not be accepted if it will interfere with proper operation of the treatment works and disposal facilities (RSA 486.13).

**413:** It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper pretreatment.

**414:** 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.

**415:** 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 Board immediately in the event of any bypass.

**416:** 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 Suncook Wastewater Treatment Facility and the Board.

**417:** If sampling performed by an industrial user indicates a violation, the user shall notify the Suncook Wastewater Treatment Facility and the Board 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 Suncook Wastewater Treatment Facility and the Board within 30 days after becoming aware of the violation, except that the Industrial User is not required to resample if:

- A.** The Town performs sampling at the industrial user at a frequency of at least once per month, or
- B.** The Town performs sampling at the Industrial User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

## ARTICLE V

### POWERS AND AUTHORITY OF INSPECTORS

**501:** The Board or other duly authorized employees of the Town; bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose 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.

**502:** The Board or other duly authorized employees of the Town are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the information in question not be made available to the public if it can establish that revelation to the public might result in an advantage to competitors. The burden of proof that information should be held confidential rests with the industrial user. However, information about wastewater discharged by the industrial user (flow, constituents, concentrations, characteristics and similar information) shall be available to the public without restriction.

**503:** While performing the necessary work on private properties, the Board or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

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

## ARTICLE VI

### PROTECTION FROM DAMAGE

601: No person(s) shall wantonly or maliciously break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Pembroke Wastewater Facilities. Any person violating this provision shall be guilty of a misdemeanor or of a felony and liable to pay damages to the Town of Pembroke, New Hampshire as provided in RSA 252:24.

## ARTICLE VII

### PENALTIES FOR VIOLATIONS

**701:** Any person found to be violating any provision of this Ordinance, except Section 601, shall be served by the Board with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time state in such notice, permanently cease all violations. The Board may, after informal notice to the person discharging wastewater to the wastewater facilities, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of the public, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Board in response to violations of this Ordinance include ex parte judicial injunctive relief, entry on private property to haft such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person.

**702:** Any person found to be violating any provisions of this ordinance except Section 601, shall be fined in the amount not to exceed \$10,000 per day for such violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(704) **703:** 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 reason of such violation.

## ARTICLE VIII

### EXTENSION OF PUBLIC SEWERS

801: All extensions of sewers or other work required by the Board, where the cost of such work is *in excess* of \$2,000.00 shall be secured by a Performance Bond or an irrevocable letter of credit. Said Bond or letter shall be supplied by the Contractor or Developer, at his expense, and shall be written in an amount and by an Insurance Company or bank approved by the Board. A certificate evidencing such Bond or letter shall be filed with the Board before any work is commenced.

80Z All sewer connections must be made within the lot frontage, unless otherwise provided by the Board, as a special exception, that is, connections must be made to the closest "facing" public sewer.

No sewer extensions will be permitted unless there is a public sewer on the street involved. In the event no such public sewer is available for extension, building sewers may be connected to an existing public sewer by crossing another persons' property, providing an easement is obtained from the Owner(s) of the land and property recorded as a special exception as above provided.

In cases where such an exception is permitted and the public sewer is thereafter extended in the street upon which the customer "fronts", he will be required to pay his proportionate share of such extension.

803: No public sewer extensions shall be made in streets which have not been accepted by the Town or conditionally accepted as provided by the Town's Subdivision Ordinance.

**804:** A public sewer, located in an accepted street, public property or a Town easement shall be maintained by the Board.

**805:** All public sewer extensions shall be installed entirely at the expense of the Developer or the abutting property owners. Such Developer or abutting property owners shall have the right for reimbursement, on a pro-rate basis, from other persons connecting to said public sewer on the following basis:

Cost of Extensions

\$0 - \$500	
\$500 - \$10,000	No reimbursement
Greater than \$10,000	Three years Three years plus an additional year for each \$10,000 of cost after the first \$10,000, with a maximum of 10 years.

ARTICLE IX

SEWER USER CHARGES

**901:**            Statement of Purpose

The Town of Pembroke has developed a program for the construction and operation of a wastewater collection and disposal system. To this end, the treatment plant and pumping stations have been constructed and a system of interceptor sewers has been completed and connected to the Town's sewer system. Under the requirements of the National Pollution Discharge Elimination System (NPDES) Permit issued to the Town of Pembroke by the United States Environmental Protection Agency, the Town is proceeding with the completion of said program. The purpose of this Article is to insure that all persons whose wastewater enters, the public sewers and treatment facilities and all persons whose lands receive or will receive a special benefit from said wastewater treatment facilities shall pay their just share of the costs of said facilities as hereinafter provided. An additional purpose of this Article is to comply with the user charge requirements of the Federal Water Pollution Act Amendments of 1972 (PL 92-500) and Amendments thereto.

**902:**            Charges for Wastewater Treatment Facilities

Pursuant to RSA 149:1, a system of sewer user charges is hereby established and assessed for paying the cost of management, maintenance, replacement, operation and repair of the Town's wastewater collection and disposal facilities. Said sewer user charges shall consist of a flat fixed fee charge and a user charge rate per 1,000 gallons.

**903:**                    **Payments by Owners**

Sewer User Charges for residential premises, commercial establishments and industrial establishments shall be paid by the Owner(s) of any such structure containing one or more dwelling units, commercial establishments or industrial establishments from which wastewater discharges into the public sewer system.

**904:**                    **FLAT FIXED FEE CHARGES**

Flat fixed fee charges shall be payable by the Owner(s) of the real estate whether or not the premises are occupied. All flat fee charges shall be at the rate provided in Section 906. In the case of structures containing multiple dwelling units or any combination of dwelling units, commercial and industrial establishment, Persons or Owners of buildings or facilities whose discharge or portion thereof to the building sewer contains non-domestic and/or industrial wastewater shall be assessed a fixed fee set forth in Section 906.

**905:**                    **USER CHARGES**

Sewer user charges for residential and commercial premises shall be based on the consumption of water on the premises connected to the Town water system. Industrial user charges are based on the volume and strength of the wastewater discharge by industrial users. Strength shall be determined from the Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) content of the wastewater as determined by periodic composite sampling by the Board. Said periodic composite sampling shall be conducted by or under the supervision of the Board to an extent that will permit a reasonable determination of BOD and SS. Non-metered premises shall, be billed as set forth in Section 906.

**906:                    CHARGES AND COST**

The following charges and cost shall be in effect unless amended by further action of the Board:

a.        Flat Fixed Fee Charges - The Flat Fixed Fee charge rate is \$40.00 per quarter per residential unit, \$50.00 per quarter residential/commercial unit and \$56.00 per quarter per commercial or industrial unit. Non-metered, non-domestic and non-industrial I/I flows shall be assessed a flat fixed fee charge of \$30.00 per quarter per unit.

b.        User Charges - The User charge rate shall be determined by dividing the sewer budget for the year, as approved at the Annual Town Meeting, by the estimated number of thousands of gallons to be consumed by all of the sewer users during the year. When determining the number of gallons to be used by the system as a whole, the Board shall use the actual total metered water billed by the Pembroke Water Department, less the metered water as was billed to consumers not on the sewer system, plus 20,000 gallons per quarter per unit which are not connected to the Pembroke Water System. The User Charge rate is \$7.93/1,000 gallons.\_

c.        Non-Metered Premises - For the premises where there is a non-metered private supply of water, a private meter, with the exterior readomatic, as approved by the Board, shall be installed, at the Owner's expense, to measure the water consumption. The Board shall have the right to enter the premises to read said meter. In the case of the meter stopping or failing to register, the quantity of water used shall be based upon the average annual amount which ordinarily passes through the meter when the meter is in operation.

Non-metered premises shall be charged at the rate of 20,000 gallons per household, per quarter, until such time as a water meter is installed.

The Board shall not abate any amounts of water usage for non-metered premises.

**907:** Sewer Replacement Fund

Two funds shall be maintained by the Board a Capital Reserve Fund and a Repair/Replacement Fund. The Board shall establish in the annual budget monies equal to fifteen percent (15%) of the annual operations and maintenance (O&M) for the Repair/Replacement Fund and five percent (5%) of the annual O&M budget for the Capital Reserve fund. The Repair/Replacement fund shall be used to repair/replace existing wastewater facilities to their original installed conditions and capacity. The Capital Reserve Fund shall be for the sole purpose of increasing, extending or other such use that increase the wastewater facility capacity.

Any surplus that remains from the annual budget shall be divided into the capital reserve fund and the repair/replacement fund with 75% of the surplus going to the repair/replacement fund and 25% going to the capital reserve fund.

**908:** Billing Period

Billing periods for sewer rental charges shall correspond with periods of the Pembroke Water Works for the same customers. Bills shall be itemized and shall specify a due date which shall not be less than twenty-five (25) days from the date when bills are mailed.

**909:** Late Payment Charge

All bills should be payable on or before the due date specified on the bill. A late payment charge of Thirty dollars (\$30.00) per quarter shall be due and payable on all bills not paid by the due date.

ARTICLE X

VALIDITY

1001: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

1002: The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

**ARTICLE XI**

**ORDINANCE IN FORCE.**

1101: This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Duly Enacted and Ordained this 8 day of December 1993 by the Sewer Commission of the Town of Pembroke in Merrimack County, State of New Hampshire, at a duly noticed and duly held session of the said Sewer Commission.

**Pembroke, N.H. Sewer Commission By:**

APPENDIX A  
FEE SCHEDULE AS OF DECEMBER, 2014

**SEWER EXTENSION**

\$ 0 -\$500	NO REIMBURSEMENT
\$500 - \$10,000	THREE YEARS
GREATER THAN \$10,000	THREE YEARS PLUS AN ADDITIONAL YEAR FOR EACH \$10,000, WITH A MAXIMUM OF 10 YEARS.

**SEWER USER CHARGES**

- a.
  - 1. Flat fixed fee charge of \$40.00 per quarter per residential unit  
Flat fixed fee charge of \$56.00 per quarter per commercial / industrial unit  
Flat fixed fee charge of \$50.00 per quarter per residential /commercial unit (B1& B2 Zone Only)
  - 2. Flat fixed fee charge for non-metered, domestic flows 20,000 gals. per quarter per unit.
  - 3. Non-Domestic and industrial must be metered.
- b. User charge rate \$ 7.93/1,000 gallons

**SEWER SYSTEM DEVELOPMENT FEES**

\$4,533.80 per flow unit (225 gpd), residential and commercial  
\$4,533.80 per flow unit (225 gpd), industrial

USE Design Flow	
AIRPORTS	5 GPD/Transient plus 10 GPD/Employee
APARTMENTS:	
1-Bedroom or Studio	225 GPD
2 or more bedrooms per Apartment	150 GPD/Bedroom
BARS LOUNGES	20 GPD/Seat
BED & BREAKFAST	60 GPD/Guest based on the greater of 2 guests per room or the actual number of guests the room is designed to accommodate plus 10 GPD/Employee
CAMPS:	
Campground with Central Comfort Station	45 GPD/site plus 20 GPD/Site for the dump station
Recreational Campgrounds with 3-way hookups	60 GPD/Site
Construction Camps	50 GPD/Person
Day Camps (not including meals)	15 GPD/Person
Dining Facility	3 GPD/Person/meal
Residential Youth Recreation Camps	25 GPD/Person plus 3 GPD/Person/meal
CATERERS – Function Rooms	12 GPD/patron
CHURCHES:	
Sanctuary Seating	3 GPD/Seat
Church Suppers	12 GPD/Seat
COUNTRY CLUBS – PRIVATE	
Dining Room	10 GPD/Seat
Snack Bar	10 GPD/Seat
Locker & Showers	20 GPD/Locker
DAY CARE CENTERS	10 GPD/Person
DENTISTS	10 GPD/Chair plus 35 GPD/Staff Member
DOCTOR'S OFFICES 250 GPD/Doctor	250 GPD/Doctor
DOG KENNELS	50 GPD/Kennel with one dog per kennel
DWELLINGS:	
Private Residences	300 GPD plus 150 GPD for each bedroom over 2
Rooming Houses – With Meals	60 GPD/Person
Rooming Houses – Without Meals	40 GPD/Person
Senior Housing	See Senior Housing
FACTORIES (Exclusive of Industrial Waste):	
Without Cafeteria or Showers	20 GPD/Person
With Cafeteria no showers	25 GPD/Person
With Cafeteria and Showers	35 GPD/Person
Warehouses	20 GPD/Person
FIRE STATIONS – Without full-time employees;	
without floor drains or food preparation	5 GPD/Person
FOOD SERVICE:	
Cafeteria or Eat in plus toilet and kitchen waste	40 GPD/Seat plus 35 GPD/Employee
Cafeteria or Eat in paper service plus toilet and kitchen waste	20 GPD/Seat plus 35 GPD/Employee
Ice cream dipper	100 GPD/dipper plus 35 GPD/Employee
Kitchen Waste only	3 GPD/Meal served plus 35 GPD/Employee

Bars and lounges	20 GPD/Seat plus 35 GPD/Employee
Function Rooms	12 GPD/Seat plus 35 GPD/Employee
GYMS	10 GPD/participant plus 3 GPD per Spectator seat
HAIRDRESSERS	150 GPD/Chair plus 35 GPD/Operator
HOSPITALS	200 GPD/Bed plus 35 GPD/Employee
HOTELS AND MOTELS:	
If plan shows that only one double bed can be accommodated	100 GPD/Room plus 10 GPD/Employee
All other	200 GPD/Room plus 10 GPD/Employee
INSTITUTIONS OTHER THAN HOSPITALS See Residential Institutions	
LAUNDROMATS COIN-OPERATED	500 GPD/Machine
MANUFACTURED HOUSING PARKS	150 GPD/ Bedroom/Site with 300 GPD/Site minimum
MOTELS see HOTELS	
NURSING HOMES	125 GPD/Bed plus 35 GPD/Employee
OFFICE BUILDINGS:	
Without Cafeteria	15 GPD/Employee
With Cafeteria	20 GPD/ Employee
Unspecified Office Space	15 GPD/100 Square Feet
PICNIC PARKS	See Recreational Facilities
RECREATIONAL FACILITIES	
Toilet Waste Only	5 GPD/person
With Showers and Toilets	10 GPD/person
RESIDENTIAL INSTITUTIONS OTHER THAN HOSPITALS AND NURSING HOMES	135 GPD/Bed plus 35 GPD/Employee
RESTAURANTS	See Food Service
SCHOOLS:	
Boarding	100 GPD
Day Without Gym Cafeteria or Showers	10 GPD
Day Without Gyms or Showers with Cafeteria	15 GPD
Day With Gyms Showers and Cafeteria	25 GPD
SENIOR HOUSING	125 GPD/2 Bedroom unit
SERVICE STATIONS	75 GPD/Island plus 35 GPD/Employee
SKATING RINKS	See Gyms
SKI AREAS	See Recreational Facilities
STORES:	
Dry Goods stand-alone	5 GPD/100 Square feet
Dry Goods Stores in Shopping Centers	100 GPD/Person
Supermarkets with Meat Dept. without Garbage Grinder	7.5 GPD/100 Square feet
Supermarkets with Meat Dept. with Garbage Grinder	11 GPD/100 Square feet
SWIMMING POOLS Public	See Recreational Facilities
TENNIS COURTS	See Recreational Facilities
THEATERS	3 GPD/Auditorium Seat
TOWN HALLS	5 GPD/Seat for total seating capacity
TOWN OFFICES	15 GPD/Office employee plus 5 GPD /Transient
TRAVEL TRAILER PARKS	See Camps
WAREHOUSES	See Factories

