

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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PART Env-Wq 305 PRETREATMENT OF INDUSTRIAL WASTEWATER

Statutory Authority: RSA 485-A:4, XV; RSA 485-A:5; RSA 485-A:6, VI

REVISION NOTE:

Document #10381, effective 8-1-13, readopted with amendments and renumbered former Part Env-Ws 904 titled “Standards for Pretreatment of Industrial Wastewater” under a new subtitle as Part Env-Wq 305 titled “Pretreatment of Industrial Wastewater”. The redesignation from subtitle Env-Ws to subtitle Env-Wq was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

Document #10381 replaces all prior filings for rules formerly in Env-Ws 904. The prior filings for rules in former Env-Ws 904 include the following documents:

- #2240, eff 12-31-82
- #2851, eff 9-21-84; EXPIRED 9-21-90
- #6373, eff 11-16-96
- #8203, INTERIM, eff 11-16-04
- #8328, eff 4-23-05

Env-Wq 305.01 Purpose. The purpose of these standards is to implement RSA 485-A:4, XV and RSA 485-A:5 so as to prevent the indirect discharge of pollutants to a publicly-owned treatment works (POTW) that would:

- (a) Pass through, interfere with, or otherwise be incompatible with the safe and successful performance, operation, and maintenance of the POTW;
- (b) Cause the POTW to violate any water quality standards specified in Env-Wq 1700; or
- (c) Adversely impact sludge quality and prevent its use or disposal as other than a hazardous waste.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.02 Applicability. These rules shall apply to the discharge of industrial wastes, as defined in RSA 485-A:2, VI, to a POTW.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.03 Definitions. As used herein the following terms shall have the following meanings:

- (a) “Department” means the New Hampshire department of environmental services.
- (b) “Domestic septage” means either liquid or solid material removed from a septic tank, cesspool, or similar containment area that receives only domestic sewage.
- (c) “Domestic sewage” means sewage comprised of waste and wastewater from household or commercial operations, that:
 - (1) Contains no industrial waste; and
 - (2) Is discharged to or otherwise enters a treatment works.

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(d) “Fume toxicity screening level” means that concentration of a pollutant in water that, under equilibrium conditions, a confined environment, and a standard temperature, would cause the concentration of the pollutant in the air over that water to exceed the exposure limit.

(e) “Headworks” means that portion of a wastewater treatment plant that first receives the total influent flow for initial treatment.

(f) “Headworks loading limit” means the maximum allowable quantity of pollutants at the headworks of a wastewater treatment plant when the following constraints are considered:

- (1) Water quality standards for the receiving water;
- (2) Discharge permit limits;
- (3) Inhibition of biological treatment processes;
- (4) Sludge criteria;
- (5) Corrosive destruction of the POTW;
- (6) Air quality limitations; and
- (7) Worker safety.

(g) “Indirect discharge” means the introduction of pollutants into a POTW from any non-domestic sources.

(h) “Indirect discharger” means a facility that discharges waste, as defined in RSA 485-A:2, XVI, alone or in combination with domestic sewage to a POTW.

(i) “Industrial waste” means “industrial waste” as defined in RSA 485-A:2, VI, as reprinted in Appendix B.

(j) “Interference” means an indirect discharge that, alone or in conjunction with indirect discharge(s) from other sources:

- (1) Inhibits or disrupts the POTW’s treatment processes or operations, or its processing, use, or disposal of sludge in compliance with applicable statutes and rules;
- (2) Is a cause of a violation of any requirements of the POTW’s federal or state discharge permit; or
- (3) Prevents sewage sludge use or disposal in compliance with the following statutory provisions and rules or permits issued thereunder:
 - a. Env-Sw 100 et seq. relative to solid waste management;
 - b. Env-A 100 et seq. relative to air pollution control;
 - c. The General Pretreatment Regulations For Existing and New Sources of Pollution, 40 CFR 403;
 - d. The Federal Toxic Substances Control Act;
 - e. The Federal Marine Protection, Research and Sanctuaries Act; and
 - f. Env-Wq 800 and 40 CFR 503 relative to use or disposal of sewage sludge.

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(k) “Local limit” means a pollutant quantity specified in a municipal sewer ordinance that numerically limits the amount of each specified pollutant that can be discharged to the POTW by an indirect discharger.

(l) “Medical/infectious waste” means “medical/infectious waste” as defined in RSA 125-N:2, VIII, as reprinted in Appendix B.

(m) “Municipal sewer use ordinance” means that set of ordinances, bylaws, or regulations duly adopted by the governing body of the municipality relating to the POTW and all appurtenant structures, including any pretreatment facilities as are required for the proper maintenance and operation of the foregoing enumerated facilities.

(n) “Municipality” means, for the purposes of these rules, any state, county, city, town, district, governmental subdivision of the state, or any other public entity, other than federal agencies, responsible for the operation and maintenance of the treatment works.

(o) “Other wastes” means other wastes as defined in RSA 485-A:2, VIII, as reprinted in Appendix B.

(p) “Pass through” means a discharge to a POTW in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW’s federal and/or state discharge permit.

(q) “Person” means person as defined in RSA 485-A:2, IX, as reprinted in Appendix B.

(r) “Pharmaceutical waste” means a prescription drug, as defined in RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined in RSA 318:1, XVIII, that is no longer suitable for its intended purpose or is otherwise being discarded.

(s) “Pretreatment” means the application of physical, chemical, or biological processes, either singly or in combination, to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharge into a POTW.

(t) “Publicly owned treatment works (POTW)” means a treatment works that is owned by a municipality.

(u) “Radiological waste” means radioactive waste as regulated by RSA 125-F.

(v) “Sewage” means “sewage” as defined in RSA 485-A:2, X, as reprinted in Appendix B.

(w) “Significant Indirect Discharger” means an indirect discharger that meets one or more of the following criteria:

- (1) Is subject to national categorical pretreatment standards under 40 CFR 403.6;
- (2) Discharges an average of 10,000 gallons per day or more of process wastewater;
- (3) Discharges a process wastewater that contributes 5 percent or more of the hydraulic or organic loading to the wastewater treatment plant;
- (4) Discharges medical/infectious waste, pharmaceutical waste, or radiological waste if such a discharge has been designated by the municipality as having a reasonable potential for adversely affecting the POTW’s operation or performance or for violating any pretreatment standard or requirement; or
- (5) Is designated as such by the municipality as having a reasonable potential for adversely affecting the POTW’s operation or performance or for violating any pretreatment standard or requirement.

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- (x) “Sludge” means “sludge” as defined in RSA 485-A:2, XI-a, as reprinted in Appendix B.
- (y) “Sludge toxicity” means the degree to which a sludge has a toxic effect on living organisms.
- (z) “Surface waters of the state” means “surface waters of the state” as defined in RSA 485-A:2, XIV, as reprinted in Appendix B.
- (aa) “Treatment works” means any device or system used in the collection, storage, treatment, recycling, or reclamation of sewage or industrial waste and includes all collection sewers, interceptor sewers, pumping stations, treatment and appurtenant facilities essential to the operation of an entire system.
- (ab) “Upset” means “upset” as defined in RSA 485-A:2, XVIII, as reprinted in Appendix B.
- (ac) “Waste” means “waste” as defined in RSA 485-A:2, XVI, as reprinted in Appendix B.
- (ad) “Wastewater treatment plant” means “wastewater treatment plant” as defined in RSA 485-A:2, XVI-a, as reprinted in Appendix B.
- (ae) “Winnepesaukee River Basin Program (WRBP)” means the wastewater collection system and treatment facilities established and operated under RSA 485-A:45-54.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.04 Municipal Sewer Use Ordinance. Subject to Env-Wq 305.07, in order to be approvable pursuant to Env-Wq 305.08 a municipal sewer use ordinance or revisions thereto shall include the following minimum pretreatment standards and related provisions applicable to indirect dischargers:

- (a) Local limits as specified in Env-Wq 305.05;
- (b) Fume toxicity, explosivity, and ignitability screening levels when necessary for the protection of personnel or sewer structures;
- (c) A requirement that wastes introduced into a POTW by any person shall not:
 - (1) Interfere with the safety, operation, maintenance, or performance of the POTW;
 - (2) Have an adverse effect on the receiving stream;
 - (3) Prevent disposal of sludge in the manner used by the POTW; or
 - (4) Otherwise endanger life, limb, public property, or constitute a nuisance;
- (d) A prohibition on diluting any waste stream to meet required limits;
- (e) A list of wastes prohibited to be discharged to the POTW, which shall include as a minimum the items listed in Env-Wq 305.06;
- (f) A provision or provisions by which the municipality may require a discharger to:
 - (1) Install and maintain monitoring and sampling equipment;
 - (2) Keep records of monitoring and sampling data, including quality assurance/ quality control records for a period of at least 5 years from the date of the measuring, sampling, or report, which period shall be extended through the duration of any enforcement action; and
 - (3) Submit records upon written request to local or state officials;

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(g) A space for documentation that the local authority has adopted the sewer use ordinance, including adoption date and signatures of adopting officials;

(h) A requirement that an indirect discharge of wastewater shall only be allowed to a sewer connected to the POTW;

(i) A requirement that all newly-connected discharges shall be in compliance with pretreatment standards prior to connection to the POTW;

(j) A requirement that each significant indirect discharger obtain a discharge permit in accordance with Env-Wq 305.10 through Env-Wq 305.16, as applicable, prior to discharging any industrial waste to the POTW, provided that the ordinance may include the provisions of Env-Wq 305.19 or Env-Wq 305.20, or both, to allow the permitting authority to allow certain discharges of limited duration without a permit;

(k) A requirement that any discharge permit issued shall include the conditions identified in Env-Wq 305.17(b);

(l) A requirement that any dental practice that is required by Env-Wq 306 to have an amalgam separator properly install and maintain the separator; and

(m) A requirement that grease interceptors be installed and maintained in accordance with local and state codes and requirements and that maintenance records be periodically provided to the POTW.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.05 Local Limits. The municipality shall develop local limits as follows:

(a) Local limits shall specifically meet the headworks loading limit and reflect the design and operational capabilities of the POTW;

(b) Specific numerical limits shall be required on constituents contained in waste if the inclusion of such limits is necessary to meet applicable federal and state law;

(c) Local limits shall be established on a mass basis to allow indirect dischargers to reduce water use; and

(d) Local limits shall be reevaluated and revised as necessary no less than every 5 years from adoption.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.06 Prohibited Wastes. The list of prohibited wastes required by Env-Wq 305.04(e) shall include the following:

(a) Any waste containing any pollutant in a concentration that is likely to cause corrosive or structural damage to the POTW, and in no case any waste having a pH lower than 5.0 or higher than 12.0;

(b) Solid or viscous pollutants in any amount that is likely to cause obstruction to the flow in the POTW or result in interference with the proper operation of the POTW;

(c) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration or quantity that is likely to cause interference with the POTW operations, constitute a hazard to humans or animals, create a public nuisance, exceed any national categorical pretreatment standard, or cause pass through;

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(d) Any waste that contains a concentration or quantity of any pollutant such that the introduction of the waste to a POTW is likely to cause a treatment process upset and subsequent loss of treatment ability;

(e) Any waste that contains heat in an amount that is likely to inhibit biological activity in a POTW resulting in an interference, and in no case heat in such quantities that the temperature of the influent at the POTW exceeds 40°C, equivalent to 104°F;

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in an amount that is likely to cause interference or pass through;

(g) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that is likely to cause worker health and safety problems;

(h) Any trucked or hauled pollutants, except at discharge points designated by the POTW;

(i) Any medical/infectious waste or radiological waste designated by the municipality as having a reasonable potential for adversely affecting the POTW's operation or performance or for violating any pretreatment standard or requirement;

(j) Any wastewater that is likely to cause the POTW's effluent or sludge to fail a toxicity test;

(k) Any hazardous waste listed or designated by the department under Env-Hw 400; and

(l) Any pharmaceutical waste, except for such pharmaceutical wastes as are required by federal law to be disposed of by flushing into a municipal sewer system.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.07 Alternate Provisions. A municipality may omit an element required by Env-Wq 305.04 from its municipal sewer use ordinance, or may include alternate or additional elements in its municipal sewer use ordinance, only if:

(a) The municipality obtains a waiver pursuant to Env-Wq 305.09; or

(b) The municipality includes, as part of its submittal pursuant to Env-Wq 305.08, an explanation of:

(1) Why the element was omitted; and

(2) How the resulting municipal sewer use ordinance supports the purpose and intent of the industrial pretreatment requirements as expressed in RSA 485-A and Env-Wq 305.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.08 Approval of Municipal Sewer Use Ordinance.

(a) Each municipality shall submit its sewer use ordinance or any revisions thereto to the department for approval before adoption.

(b) Within 60 days of receipt of a sewer use ordinance from a municipality, the department shall review the ordinance for conformity with Env-Wq 305.04.

(c) The department shall approve the sewer use ordinance if it determines that:

(1) The ordinance contains all of the elements required by Env-Wq 305.04 or alternate provisions provided in accordance with Env-Wq 305.07; and

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(2) The ordinance does not contain any provisions that are less stringent than the elements required by Env-Wq 305.04.

(d) The department shall notify the municipality of its approval or disapproval of the sewer use ordinance in writing. If the ordinance is not approved, the written notification shall include the reasons for disapproval.

(e) Within 60 days of adopting the approved sewer use ordinance, the municipality shall send to the department:

(1) A copy of the adopted ordinance; or

(2) A copy of the signature page together with a certification that no changes were made to the department-approved ordinance prior to adoption.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.09 Waivers.

(a) Waivers to the pretreatment standards set forth in a sewer use ordinance approved by the department shall be granted by the department only in accordance with this section.

(b) All requests for waiver approval shall be submitted to the department by the municipality and shall be in writing.

(c) All waiver requests shall include the following information:

(1) A full explanation of why a waiver is necessary, with supporting information and calculations;

(2) A full explanation of how the granting of the waiver is consistent with the purpose of RSA 485-A as set forth in RSA 485-A:1;

(3) A technical analysis of the effects of the proposed discharge on the POTW, relative to:

a. Performance and effluent quality;

b. Operation and maintenance;

c. Safety and health of workers;

d. Pass through; and

e. Sludge use or disposal; and

(4) Any other information that the person requesting the waiver believes is relevant to the waiver request.

(d) The department shall review the waiver request within 60 days of receipt. If the request does not contain all of the information specified in (c), above, or if the information is otherwise insufficient to allow the department to make an informed decision, the department shall request additional information.

(e) The department shall grant the waiver if the information submitted by the applicant demonstrates that:

(1) The alternatives proposed are at least equivalent to the specific requirements contained in the rule; or

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(2) The alternatives proposed are adequate to ensure that the purpose of RSA 485-A is met and the result provides equivalent or better protection of the POTW and the receiving waters.

(f) The department shall notify the municipality of its decision in writing. If the waiver request is denied, the written decision shall specifically state the reasons for the denial.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.10 Industrial Wastewater Discharge Request.

(a) Subject to (b), below, the owner of an indirect discharger from which industrial waste is or will be discharged to a POTW that has its wastewater treatment plant located in New Hampshire shall apply for approval of the discharge in accordance with this section prior to discharging any industrial waste, increasing the volume of the industrial wastewater flow, or changing any characteristics of the discharge, such as pollutant concentration or characteristics, if such discharge:

- (1) Is from a significant indirect discharger;
- (2) Could cause interference with the POTW;
- (3) Could have an adverse affect on the receiving stream or otherwise endanger public or private safety or property; or
- (4) Could constitute a nuisance by affecting qualities not specifically regulated, such as odor or the color of the discharge.

(b) The requirements of (a), above, shall not apply if the discharge request is submitted in accordance with Env-Wq 305.11, Env-Wq 305.19, or Env-Wq 305.20.

(c) A complete discharge request shall:

- (1) Include the information specified in Env-Wq 305.12 and Env-Wq 305.13 on a form obtained from the department or provided by the municipality; and
- (2) Be signed by the applicant as specified in Env-Wq 305.14.

(d) The applicant shall submit the complete, signed discharge request as specified in Env-Wq 305.15 or Env-Wq 305.16, as applicable.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.11 Discharge Request Submission, Processing, and Approvals: WRBP. Any applicant having an existing or proposed discharge to the WRBP shall comply with the applicable requirements of Env-Wq 1200.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.12 Discharge Request Form: Municipal Portion. The municipality shall complete the first part of the discharge request form by providing:

- (a) The name of the municipality;
- (b) The name of the applicant;

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- (c) Whether the requested permit is for a new discharge or a modified discharge;
- (d) Prior flow volume, if any;
- (e) Proposed flow volume and total flow volume to be discharged; and
- (f) The printed or typed name and title of the individual authorized by the governing body of the municipality to sign discharge requests as specified in Env-Wq 305.14(a).

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.13 Discharge Request Form: Applicant Portion. The applicant shall provide the following information on or with the applicant portion of the discharge request form:

- (a) The name, street address, and mailing address of the indirect discharger;
- (b) The name, position, and daytime telephone number of a responsible individual at the indirect discharger, such as a plant manager, plant engineer, president, or vice president of the company, who has been authorized by the indirect discharger to certify the permit application as specified in Env-Wq 305.14(b);
- (c) The North American Industry Classification System (NAICS) code of the indirect discharger and, if available, the SIC code(s);
- (d) Whether the indirect discharger is subject to national categorical standards, and if so, which standards;
- (e) Information on the proposed flow, including the estimated average, minimum, maximum and total daily flow for domestic discharges and each process discharge and the time and duration of those discharges;
- (f) A schematic of the proposed treatment process;
- (g) The name, company, and license number of the chemical, civil, sanitary, or environmental professional engineer (PE) authorized to work in New Hampshire under RSA 310-A who prepared the treatment system plans and specifications, if plans and specifications are being submitted for review;
- (h) If applicable, plans, specifications, and operation and maintenance procedures for new or modified treatment facilities at the indirect discharger, stamped by the PE identified pursuant to (g), above;
- (i) A schematic diagram showing the production process, including the origin of each waste stream;
- (j) A list of pollutants expected to be present in the discharge and the anticipated quantity of each, based on:
 - (1) Analyses of the waste stream(s) to be discharged, in which case test results shall be submitted with the discharge permit request; or
 - (2) Knowledge of the process that produces the wastewater;
- (k) Information on the toxicity and treatability of the pollutants proposed to be discharged, as available from manufacturer's testing, safety, and data publications;
- (l) A map showing the location within the municipality of the indirect discharger with respect to the POTW;
- (m) A listing of all chemicals used at the indirect discharger that will be or could be discharged, such as production chemicals, degreasers, and cleaning solvents;

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- (n) A description and location diagram of all sampling locations at the indirect discharger;
- (o) A brief narrative describing those measures taken or planned to reduce water usage and implement pollution prevention techniques, if any, such as:
 - (1) Flow restrictors;
 - (2) Countercurrent rinses;
 - (3) Recycling of non-contact cooling water;
 - (4) Chemical substitutions; and
 - (5) Pollutant source reduction; and
- (p) A list of all environmental permits held by or for the indirect discharger.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.14 Signatures and Certifications.

- (a) The individual authorized by the governing body of the municipality to sign discharge requests shall sign and date the discharge application. Such signature shall constitute certification that the proposal meets with the approval of all local authorities having jurisdiction over the request.
- (b) The responsible individual identified pursuant to Env-Wq 305.13(b) shall sign and date the discharge application. Such signature shall constitute certification that:
 - (1) The application and all attachments were prepared under the responsible individual's direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted;
 - (2) Based on inquiry by the responsible individual of the individual or individuals who manage the system, or those individuals directly responsible for gathering the information, the information submitted is true, accurate, and complete to the best of the responsible individual's knowledge and belief; and
 - (3) The responsible individual is aware that there are significant penalties for submitting false information, including the possibility of criminal prosecution under RSA 641:3 for knowing violations.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.15 Discharge Request Submission: Local Treatment.

- (a) This section shall apply to the processing of discharge requests where the municipality in which the applicant is located owns and operates the POTW that will receive and treat the discharge.
- (b) The applicant shall submit the completed, signed discharge request to the municipality.
- (c) Upon receipt of a discharge request, the municipality shall evaluate the proposed discharge and the ability of the POTW to accommodate the discharge based on information submitted by the applicant.
- (d) No municipality shall allocate or accept for treatment more than 90 percent of the headworks loading limits of its POTW.

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(e) The municipality shall not approve the discharge request unless the proposed discharge meets all applicable requirements of these rules and all applicable local pretreatment programs and sewer use ordinances.

(f) If the municipality approves the discharge request, an authorized official of the municipality shall:

- (1) Sign the discharge request as specified in Env-Wq 305.14(a); and
- (2) Forward the discharge request to the department.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.16 Discharge Request Submission: Remote Treatment.

(a) This section shall apply to the processing of discharge applications where the POTW that will receive and treat the discharge (host POTW) is not owned and operated by the municipality in which the applicant is located (satellite municipality), other than discharges that are subject to Env-Wq 305.11.

(b) The applicant shall submit the completed, signed discharge request to the satellite municipality. The satellite municipality may request the applicant to submit 2 copies of the completed discharge request form.

(c) Upon receipt of a discharge request, the satellite municipality shall:

- (1) Evaluate the proposed discharge for compliance with locally-applicable requirements; and
- (2) Approve the discharge request if the proposed discharge meets all locally-applicable requirements.

(d) If the municipality approves the discharge request, an authorized official of the municipality shall:

- (1) Sign the discharge request as specified in Env-Wq 305.14(a); and
- (2) Forward the discharge request to the department and to the host POTW.

(e) Upon receipt of a discharge request, the host POTW shall evaluate the proposed discharge and the ability of the POTW to accommodate the discharge based on information submitted by the applicant.

(f) No host POTW shall allocate or accept for treatment more than 90 percent of the headworks loading limits of its POTW.

(g) The host POTW shall not approve the discharge request unless the proposed discharge meets all applicable requirements of these rules and all applicable local pretreatment programs and sewer use ordinances.

(h) If the host POTW decides to accept the discharge, the host community shall submit a completed Host Community Acknowledgement, dated 05-28-13, as reprinted in Appendix C, to the department.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.17 Discharge Application Processing.

(a) Upon receipt of a completed, signed discharge request and, if applicable, a completed, signed Host POTW Acknowledgement Form, the department shall review the request. The department shall approve the request subject to the conditions listed in (b), below, if the information submitted demonstrates that:

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- (1) The proposed discharge meets all applicable requirements of these rules and all applicable local pretreatment programs and sewer use ordinances; and
 - (2) If applicable, the host POTW has agreed to accept the discharge.
- (b) The department's approval of a discharge request shall be subject to the following conditions:
- (1) The indirect discharger shall fully comply with the applicable sewer use ordinance;
 - (2) The indirect discharger shall fully comply with all applicable federal, state and local pretreatment standards and requirements;
 - (3) The indirect discharger shall not add any water or other liquid to the effluent so as to reduce the concentration of pollutants by increasing the volume of effluent as a substitute for any pretreatment necessary to maintain compliance;
 - (4) The indirect discharger shall not make changes to any processes that contribute to the wastewater discharge that would increase the amount of flow, change the characteristics of the pollutants discharged, or increase the concentration of any pollutant without prior approval by the department through the submission of a new industrial wastewater discharge request in accordance with Env-Wq 305.10;
 - (5) The approval shall be based on and apply only to the subject discharge request and all associated plans and supporting information as submitted in the completed, signed discharge request; and
 - (6) The approval shall become void if the discharge approved does not begin within one year from the date of approval.
- (c) Upon receipt of notification from the department that the discharge request is approved, the municipality in which the applicant is located shall issue a discharge permit to the indirect discharger.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.18 Discharge Permits. The discharge permit for significant indirect dischargers issued pursuant to Env-Wq 305.17(c) shall contain the following provisions:

- (a) Indirect discharger name, street address, mailing address, and daytime telephone number;
- (b) Dates of issuance and expiration;
- (c) The general and specific prohibitions from the sewer use ordinance that apply to the discharge;
- (d) A list of pollutants, allowable parameters, and discharge limits;
- (e) Identification of applicable EPA categorical standards;
- (f) A list of pollutants to be monitored and the monitoring requirements applicable thereto;
- (g) Sampling frequency, techniques, and locations;
- (h) Reporting requirements;
- (i) Inspection requirements;
- (j) Notification requirements, including for:

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- (1) Slug loading;
 - (2) Spills, bypasses, and upsets;
 - (3) Changes in volume or characteristics of the discharge for which a permit revision is not required; and
 - (4) Permit violations.
- (k) Record keeping requirements;
- (l) Applicable definitions and special conditions from the sewer use ordinance;
- (m) Applicable civil and criminal penalties for violations;
- (n) Notification requirements prior to any new or increased discharge;
- (o) A requirement to submit a complete new application at a specified frequency, which shall be not less than once every five years; and
- (p) A requirement to provide a copy of the permit to the department, if the department so requests.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.19 Discharge Permits Not Required for New Technology Trials. A discharge request and permit shall not be required for a trial of a new technology provided that:

- (a) The trial will not last longer than 4 months; and
- (b) No discharge from the indirect discharger at which the trial is occurring is likely to cause a violation of:
 - (1) The indirect discharger's existing discharge permit from the municipality; or
 - (2) Any requirements of the municipality's sewer use ordinance or any other applicable state, federal, or local requirements.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.20 Approval of Special Discharges of Limited Duration.

(a) Any person proposing to discharge, as a one-time or otherwise limited duration discharge, waters or wastes to the public sewers that contain the substances or possess the characteristics enumerated in Env-Wq 305.06, or that exceed any applicable national categorical pretreatment standard, local limit or local prohibited waste, or that might otherwise have a deleterious effect on the POTW or its processes or equipment or on the POTW's receiving waters, or that might otherwise create a hazard to life or constitute a public nuisance, shall request permission from the POTW prior to discharging the waters or waste.

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

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

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

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- (1) The discharge peak rate and volume over a specified time period;
 - (2) Chemical analyses of the proposed discharge;
 - (3) A line diagram of the production process showing the origin of each waste stream;
 - (4) A listing of all chemicals used in the facility which could be discharged to the sewer;
 - (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
 - (6) Details of wastewater pretreatment facilities; and
 - (7) Details of systems established by the user to prevent and control the losses of materials through spills to the public sewer or storm drain.
- (d) The POTW shall deny the request unless it determines that the proposed discharge:
- (1) Is not likely to cause a significant adverse impact to receiving waters or to the POTW, community or POTW personnel;
 - (2) Is not likely to create a hazard to life or constitute a public nuisance; and
 - (3) Could be treated to alleviate the adverse impact.

(e) If the POTW determines that the criteria specified in (d), above, are met, the POTW shall grant the request, subject to any conditions as are necessary to minimize any adverse impact, such as restricting the rate or timing of discharge or requiring pretreatment of the discharge.

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

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Env-Wq 305.21 Reporting. In order to demonstrate compliance with RSA 485-A:5, III, each municipality shall provide the following to the department no less frequently than once every 5 years:

(a) A copy of its current sewer use ordinance if it has been revised without department approval subsequent to any previous submittal to the department or a certification that no changes have been made;

(b) A current list of all significant indirect dischargers to the POTW that includes the following information for each significant indirect discharger:

- (1) Name and address;
 - (2) The name and daytime telephone number of a contact person;
 - (3) Products manufactured;
 - (4) Industrial processes used;
 - (5) Existing pretreatment processes; and
 - (6) Discharge permit status.
- (c) A list of all permitted indirect dischargers; and

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(d) A certification that the municipality is strictly enforcing its sewer use ordinance and all discharge permits it has issued.

Source. (See Revision Note at part heading for Env-Wq 305)
#10381, eff 8-1-13

Appendix A

Rule Section(s)	State Statute(s) Implemented
Env-Wq 305 (see also specific sections listed below)	RSA 485-A:4, XV; RSA 485-A:5
Env-Wq 305.09	RSA 541-A:22, IV
Env-Wq 305.10	RSA 485-A:4, VI, IX-a, IX-b, IX-c
Env-Wq 305.11	RSA 485-A:45-54
Env-Wq 305.12 - Env-Wq 305.16	RSA 485-A:4, VI, IX-a, IX-b, IX-c
Env-Wq 305.17	RSA 485-A:4, IX-c

Appendix B - Statutory Definitions

RSA 125-N:2

VIII. “Medical/infectious waste” means any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Medical/infectious waste does not include any hazardous waste regulated under RSA 147-A.

RSA 482-A:2

X. “Wetlands” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

RSA 485-A:2

I-a. “Certificate” means a certificate of competency issued by the department stating that the operator has met the particular requirements established by the department for certification at each level of operation.

I-b. “Certification committee” means those persons designated by the commissioner, and those persons elected by the New Hampshire Water Pollution Control Association to serve as the review committee for certification of wastewater treatment plant operators.

VI. “Industrial waste” means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources.

VII-a. “Operator” means:

- (a) The individual who has full responsibility for the daily operation of a wastewater treatment plant or a pollution control facility;
- (b) The individual normally responsible for the operations shift; or
- (c) Individuals who perform important operating functions.

VIII. “Other wastes” means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substance harmful to human, animal, fish or aquatic life.

IX. “Person” means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

IX-a. “Septage” means material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste and any other sludge.

X. “Sewage” means the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.

XI-a. “Sludge” means the solid or semisolid material produced by water and wastewater treatment processes, excluding domestic septage; provided, however, sludge which is disposed of at solid waste facilities permitted by the department shall be considered solid waste and regulated under RSA 149-M.

XIV. “Surface waters of the state” means perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

XVI. “Waste” means industrial waste and other wastes.

XVI-a. “Wastewater treatment plant” means the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical, or bacteriological quality of the wastewater and which dewater and handles sludge removed from the wastewater.

XVII. “Bypass” means the intentional diversion of waste streams from any portion of the wastewater facilities.

XVIII. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee.

XIX. “Wastewater facilities” means the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge.

Appendix C: Statutory Provisions Cited

RSA 485-A:5-a Operator Certification Required. – The department shall certify operators of wastewater treatment plants. Wastewater treatment plants shall be operated only by certified operators.

RSA 485-A:6 Rulemaking. – The commissioner shall adopt rules, under RSA 541-A, after public hearing, relative to:

XI. The minimum qualifications for and certification of operators of pollution control facilities.

XI-b. Certification of operators of wastewater treatment plants and revocation and suspension of such certificates as provided in RSA 485-A:7-d.

RSA 485-A:7-a Application; Special Fund. –

I. Any operator of a wastewater treatment plant seeking certification or to increase his level of certification shall file an application with the certification committee at least 6 weeks prior to the next examination date on a form provided by the department.

II. All applications shall be accompanied by a \$50 fee to cover department expenses for conducting the certification program. All fees shall be deposited with the state treasurer and deposited in a special nonlapsing wastewater plant operator certification fund to be used by the department for the administration of this subdivision and for the operation of the department-owned Wastewater Plant Operator Training Center.

III. Any applicant failing the examination shall be allowed one retest at the same certification level at no additional cost to the applicant.

RSA 485-A:7-b Examinations. – The department shall prepare written examinations to determine the knowledge, ability, and judgment of operators. Such examinations shall be administered in accordance with rules adopted by the department pursuant to RSA 485-A:6.

RSA 485-A:7-c Issuance of Certificates. –

I. Upon satisfactory completion by an applicant of the established requirements, the department shall issue to the applicant a suitable certificate designating the applicant's competency. The certificate shall indicate the level of operation for which the operator is qualified. The certificate shall remain in effect for 2 years from the date of issuance.

II. Certificates shall be renewed biennially and shall be accompanied by a \$50 renewal fee, which shall be deposited pursuant to RSA 485-A:7-a, II. If the renewal fee is not submitted within 90 days of the certificate's expiration date, the certified individual's name shall be removed from the current status and the certificate shall be deemed expired. The department shall charge a late fee of 50 percent of the renewal fee in addition to the renewal fee if the renewal is late.

III. Certificates may be issued, upon payment of the \$50 fee, without examination, for a comparable classification to any person actively seeking employment in New Hampshire who holds a certificate issued by the appropriate certification agency of any federal, state, interstate, territorial, or other jurisdiction if, in the judgment of the committee, the certification requirements of the jurisdiction granting such certification do not conflict with the department's rules and are not less stringent than rules adopted under this subdivision. The fee shall be deposited pursuant to RSA 485-A:7-a, II.

RSA 485-A:7-d Revocation. – The department may suspend or revoke the certificate of an operator under rules adopted pursuant to RSA 485-A:6.

RSA 486:9 Operator Certification. – The operators of pollution control facilities shall be certified as to their qualifications and ability to operate said facilities in accordance with rules adopted by the commissioner under RSA 541-A.

RSA 486:10 Rulemaking. – The commissioner may adopt rules under RSA 541-A relative to treatment of wastes by or from industrial and nonindustrial recipients of waste treatment services to establish:

III. Certification criteria for pollution control facilities operators.

RSA 641:3 Unsworn Falsification. – A person is guilty of a misdemeanor if:

I. He or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

II. With a purpose to deceive a public servant in the performance of his or her official function, he or she:

- (a) Makes any written or electronic false statement which he or she does not believe to be true; or
- (b) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
- (c) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or
- (d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

III. No person shall be guilty under this section if he or she retracts the falsification before it becomes manifest that the falsification was or would be exposed.

APPENDIX D: HOST POTW ACKNOWLEDGEMENT FORM



HOST POTW ACKNOWLEDGEMENT
Industrial Waste Indirect Discharge Request (IDR)

Instructions:

1. Satellite Municipality shall provide IDR copy to Host POTW concurrent with submission to NH DES.
2. Host POTW to provide this form within 10 days of receipt of IDR form from Satellite Municipality.
3. IDR will not be approved by NH DES until this completed form is received.

Please provide the following information:

Host POTW _____

Satellite Municipality _____

IDR

Industry _____

Date _____

Other _____

Date of IDR Receipt by Host POTW _____

Please put "X" in one block:

No Comment

Comments (See below and/or attachments)

● Signature - Host POTW:

By _____ Title _____ Date _____

Send to : Industrial Pretreatment Supervisor
NH DES Water Division
PO Box 95
Concord, NH 03302-0095

05-28-13