

TOWN OF CONWAY, NEW HAMPSHIRE



RULES AND REGULATIONS

Sewer Utility

Adopted _____

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TOWN OF CONWAY

SEWER RULES AND REGULATIONS

Article I. Overview

The Rules and Regulation herein set forth for the operation and maintenance of the municipal sewer system, established by the selectmen of the Board of Selectmen of the Town of Conway as necessary or desirable for the efficient operation of said system and for the protection of the health and safety of the people of the Town of Conway.

Pursuant to RSA 149 and every other authority thereto enabling, the Board of Selectmen enacts and ordains the following Rules and Regulations. The discharges governed by these Rules and Regulations are not within the jurisdiction of the Federal Clean Water Act.

It is the intent of the Board of Selectman that the following Rules and Regulations will bind all customers, as defined, who install, connect to, and discharge water and wastewater into the public sewer system in accordance with these Rules and Regulations and only for the purpose stated in the customer's application.

The purpose of these Rules and Regulations is to protect the water supplies, to prevent pollution in the surface and ground water of the Town of Conway, and to prevent nuisances and potential health hazards.

The long-term goal of the Town of Conway is to provide sewer services to all residents whether they live on a town, state, or private road, but this goal must be tempered by the ability of the taxpayers, rate payers and owners to pay for the system. In this regard, the selectmen recognize that the system has a beneficial impact on the value of property and that, at times, financial realities tend to argue for certain costs to be spread over all users. In making these decisions, the selectmen will be guided by the purposes set out in this preamble.

Article II. Authority

- A. Whereas, on January 1, 2025 the Conway Village Fire District dissolved and the Town of Conway assumed responsibility for the sewer department, and,
- B. Whereas RSA 149 authorizes a town to construct and maintain a wastewater system and adopt such ordinances relating to such.
- C. Therefore, these Rules and Regulations are adopted on this ___ day of _____ 20____ by the Board of Selectmen of the Town of Conway.

Article III. Definitions

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

“ACT” means the Federal Water Pollution Control Act (33 USC 1251 et. Seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243 and revised to the Clean Water Act as reauthorized in 1991).

“Applicant” means any person requesting approval to discharge industrial or domestic wastewater into the Town wastewater facilities.

“ASTM” means American Society for Testing and Materials.

“Betterment Fee” means a fee charged to all users to pay for debt incurred to upgrade the system, connect to North Conway, or expand the wastewater system. This fee could be in the form of a charge on the sewer portion of the quarterly bill or on the tax bill.

“Biochemical Oxygen Demand (B.O.D)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C, expressed in milligrams per liter (mg/l).

“Building Drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning ten (10) feet outside the inner face of the building.

“Bypass” shall mean the intentional diversion of waste streams from any portion of a pre-treatment system, sewer, or wastewater treatment facility.

“Clean Water Act” means the Federal Clean Water Act, 33 U.S.C. §§ 1251 to 1357, as amended.

“Combined Sewer” means a sewer intended to receive both wastewater and storm or surface water.

“Commercial Building” means premises used for financial gain, including, but not limited to businesses, restaurants, shops, bed and breakfast, motels, hotels, retail shopping malls, professional offices, hospitals, and any other business of similar use.

“Connection Fee” means a fee established by the Selectmen that must be paid prior to commencement of water service for new construction and/or additional service requests. Fees are based on the number of meters installed or, in the case of multi-unit apartments or multi-unit commercial buildings, on the number of units. Payments may be made in full at time of application or half of payment at time of application and balance due before water service will be activated. Other payment arrangements may be made but will be drawn up in a formal and binding contract.

“Division” means The New Hampshire Department of Environmental Services.

“Domestic Wastewater” or “Sanitary Sewage” means normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface, or storm water.

“Easement” means an acquired legal interest for a specific and limited use of land owned by others.

“EPA” means the United States Environmental Protection Agency.

“Excessive” means amounts or concentrations of a constituent of a wastewater which, in the judgment of Town of Conway, will cause damage to any sewerage facility, which will be harmful to a wastewater treatment process, which cannot be removed by the wastewater treatment works of Town of Conway required to meet the limiting discharge standards of the Wastewater Treatment Plants (facilities), which can otherwise endanger life, limb, or public property, and/or which can constitute a nuisance. **(For definition of “Excessive Use”, see Sewer Abatement Policy).**

“Facilities” means all structures, pipes, and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposing of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outflow and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and all other appurtenances connected there within.

“Food Service Establishment” means any fixed or mobile restaurant, temporary or permanent food service establishment, coffee shop, cafeteria, bed and breakfast, short order café, ice cream shop, luncheonette, grill, roadside stand, industrial feeding establishment, food ending operation, whether attended or unattended, private, public, or nonprofit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

“Fume Toxicity Screening Level” means the concentration of a pollutant in water which, under equilibrium or other conditions, a confined environment, or interaction with pollutants contained in permitted discharges, would cause the concentration of a pollutant in the air over the water to exceed an exposure limit.

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

“Grease” means the fats, oils, waxes, and other related constituents found in wastewater.

“Grease Interceptor” is a device designed and installed so as to separate and retain for removal by automatic or manual means, grease from normal wastes, while permitting normal sewage or wastes to discharge into the sewer system by gravity.

Grit” means sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic particle solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or wastes.

“Hearing Board” means the Board of Selectmen.

“Industrial User” means a person, or business who discharges industrial wastes to the sanitary sewer of the Town of Conway.

“Industrial Wastes” means the wastewater from industrial processes, trade, or businesses not including domestic or sanitary wastes.

“Industry” means an establishment with facilities for mechanical, testing, trade, or manufacturing purposes.

“Industrial wastewater” means the wastewater in which the liquid wastes from industrial manufacturing processes, laboratory, trade or business predominate as distinct from domestic wastewater.

“Interceptor” means a sewer which serves to collect the flow from the sewage collection system.

“Interference” means a discharge by an industrial user which, alone or in conjunction with discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of, or significantly contributes to a violation of any requirement of the publicly owned treatment works Groundwater Discharge Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the publicly owned treatment works in accordance with all applicable federal and state laws and regulations.

“Limits” means treatment limits established by Town of Conway.

“May” is permissive (see “shall” definition #67).

“Meter” means the device in which gallons of water used by a costumer is read through.

“National Categorical Pre-treatment Standard” or “Categorical Pre-treatment Standard” means any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317), (<https://www.law.cornell.edu/uscode/text/33/1317>) which apply to a specific category of industrial user(s) and which are found in the Code of Federal Regulations, 40 CFR, Subchapter N, parts 401 through 471 (<https://www.epa.gov/npdes/pretreatment-standards-and-requirements>).

“Natural Outlet” means any outlet, including storm sewers and combined sewer overflows, into a water source, pond, ditch, lake, or any other body of surface or ground water.

“New Source” means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pre-treatment Standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater-generating process of the building structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
 - i. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs a. or b. of this section but otherwise alters, replaces, or adds to existing process or production equipment.
 - ii. Construction of a new source is defined under this paragraph as commenced if the owner or operator has:
 1. Begun, or caused to begin as part of a continuous on-site construction program.
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, facilities, or equipment; or
 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contract which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

“Official Notice” means written notice from the Town sent by U.S. Mail to the address of record.

“Operation and Maintenance” shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing the treatment works and for which such works were designed and constructed.

“Pass Through” means the discharge of pollutants through the publicly owned treatment works into surface or ground waters in quantities or concentrations, which, alone or in conjunction with discharges from other sources, cause, or significantly contribute to a violation of any requirements of the publicly owned treatment works Groundwater Discharge Permit (including an increase in the magnitude or duration of a violation) or of any applicable water quality criteria.

"POTW" or "Publicly Owned Treatment Works" means the wastewater treatment works which are owned by the Town. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW wastewater treatment works.

"Person" means any individual, firm, company, state, association, society, profit or non-profit corporation, group, partnership, limited liability company or partnership, municipality, governmental facility, or governmental subdivision of a state, or responsible corporate officer.

"pH" means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

"Phenolic Compounds" means the following hydroxy derivatives of benzene: 2-chlorophenol; 2,4-dichlorophenol; 2,4-dimethylphenol; 4,6-dinitro-o-cresol; 2,4-dinitrophenol; 2-nitrophenol; 4-nitrophenol; p-chloro-m-cresol; and 2,4,6-trichlorophenol.

"Pollution" or "Pollutant" means contamination, or other alteration of the physical, chemical, or biological properties of any waters which will or may create a public health nuisance or render such water or land harmful, detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, animals, birds, fish or other aquatic life.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be achieved by physical, chemical, or biological processes or other means, except as prohibited by 40 CFR Section 403.6(d).

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

"Public Sewer" means a common sewer controlled by a governmental agency, body politic, or public utility whether on a private or public road.

"Receiving Waters" means any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater, including percolating groundwater, receiving discharge of wastewater.

"Replacement" in terms of the POTW means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"Residential " means any contributor to the Town's wastewater treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

"Residuals Management Program" means structures, equipment, processes, operators associated with the collection, transportation, treatment, or disposal of residues generated by the collection, transport, treatment or processing of materials introduced to the sewers or treatment facility.

"Sanitary Sewer" means 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.

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

"Selectmen" means the Board of Selectmen of the Town of Conway.

"Septage" means any liquid or solid, sludge or material pumped from chemical toilets, vaults, septic tanks or cesspools or other holding tanks.

"Septic Tank" means a liquid-tight receptacle which receives raw sewage for storage and digestion, and which has been designed and constructed so as to retain the solids and to allow the liquids to discharge through a secondary system of piping into an approved form of subsurface disposal area.

"Sewage" or "Sewerage" means the spent water of a community. The preferred term is "wastewater".

"Sewer" means a pipe or conduit that carries wastewater or drainage water.

"Sewer Line" means the extension from the building drain to the public sewer or other place of disposal, also called a house connection.

"Shall" is mandatory ("may" is permissive, see definition #40).

"Significant Industrial User" means all industrial users subject to categorical pretreatment standards, or any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the Town on the basis that the industrial user has a reasonable potential for adversely affecting the POTW or for violating any pretreatment standard or requirement.

"Slug" means 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 flow during normal operation and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

"Spill" means the release, accidental or otherwise, of any material not normally released to the facilities, which by virtue of its volume, concentration or physical, chemical, radiological, or biological characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to volatile, explosive, toxic or otherwise unacceptable materials.

"State" means the State of New Hampshire.

“Storm Sewer” means a drain or sewer for storm water, groundwater, subsurface water, or unpolluted water from any source.

"Storm Water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Superintendent” means the individual employed by the Town who has direct responsibility for the routine maintenance and operation of the Sewer Department

“Suspended Solids (SS)” means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and are referred to as non-filterable residue.

"Total Toxic Organics (TTO)" means the sum of all Toxic Organics not otherwise prohibited or limited under applicable regulations.

“Town” means the Town of Conway.

“Toxic Organics" means all substances listed in Tables II and V of 40 CFR Part 122.

"Unpolluted Water" means 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.

"Useful Life" means the estimated period during which the Wastewater Facilities of the Town will be operated.

"User" means any person or entity that discharges wastewater or industrial wastewater into the sewerage system of the Town.

“Usage Charge” means the monetary amount in which a customer is charged for every 1,000 gallons of sewage used. Sewage usage is based on the gallons of water used by the customer. The rates shall be established and published yearly by the Board of Selectmen. All customers shall be charged the same amount for usage regardless of meter size.

“Waste" means substances in liquid, solid or gaseous form that can be carried in water.

"Wastewater" means 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 storm water that may be present.

"Wastewater Facilities" means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

"Wastewater Treatment Works" means an arrangement of devices and structures used for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "wastewater treatment plant" or "wastewater treatment facility" or "water pollution control plant."

"Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

Article IV. Validity

All rules and regulations or parts of rules and regulations in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts.

These Rules and Regulations shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

Article V. Revisions to Rules and Regulations

The Town reserves the right to adopt from time-to-time additional rules and regulations, as it shall deem necessary and proper, which to the extent appropriate, shall be a part of these Rules and Regulations.

Article VI. Expansion Moratorium

When, in the majority opinion of the Selectmen it is felt that for the general well-being of the inhabitants of the Town or to comply with the existing State Statutes as they apply, the Selectman may impose an expansion moratorium on the water and/or sewer systems of private property or industrial, commercial, or subdivisions that are presently or proposed to be connected to the Public Water System or Sewer Collection system of the Town. This moratorium may be lifted at any time by a majority vote of the Selectmen.

Article VII. Protection from Damage

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, equipment, or facility which is owned by the Town Sewer Department. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Should property be damaged unintentionally, the Town Water Department shall be notified immediately or as soon as practicable of the type and extent of said damage.

Article VIII. Penalties

1. The Town may, after 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, Town staff or contractor, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer, wastewater treatment facilities, or residuals management program.
2. Any person found to be violating or continuing to violate any provisions of these Rules and Regulations, except Section 1 of this Article, shall be subject to a civil penalty in an

amount not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate offense, as provided for under RSA 149-I:6 II as amended.

A. Written Notice of Violation Required

Any person found to be violating any provision of these Rules and Regulations shall be served by the Town 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 time limit stated in such notice, permanently cease all violations.

B. Penalty Stated

Any person who shall continue any violation beyond the time limit provided for in Article VIII-A. above shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) for each violation except as stated in 1. and 2. below. Each day in which such violation shall continue shall be deemed a separate violation.

1. The Town may, after 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, Conway Sewer staff or contractor, or any discharge presenting, or which may present an endangerment to the environment, or which threatens to interfere with operation of the public sewer, wastewater treatment facilities, or residuals management program.
2. Any person notified as per Article VIII B. 1., shall be subject to a civil penalty in an amount not to exceed \$10,000 per day of such violation. Each day in which any such violation shall continue shall be deemed a separate offense, as provided for under RSA 149-I:6 II as amended.

C. Liability for Damage Stated

Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town for any expenses, loss, or damage occasioned the Town by reason of such violation. The expense, loss, or damage shall be taken to be to the extent determined by a competent registered professional to be chosen by the Town.

Article IX. Appeal Process & Hearing Board

Any sewer user within the Town's service area seeking clarification and/or relief from enforcement of any provision set forth within these Rules and Regulations shall put the request in writing to the Board of Selectmen.

The Town of Conway Board of Selectmen shall act as a hearing board for arbitration of differences between the Town sewer department and sewer users on matters concerning interpretation and execution of the provisions of these Rules and Regulations.

The decision of the Board is final and may be appealed to the Superior Court.

Article X. Establishment of Rates for Sewer

Rates chargeable by the Town for sewer, service calls, connections, and other relative fees, and payable by the customer, shall be determined by the Board of Selectmen yearly based upon

recognized accounting methods and/or engineering studies that will fairly distribute the burden of operations and maintenance of plant and other costs upon respective customers, including but not limited to the debt services for sewer.

1. Charges for sewer service may include charges for construction through Betterment Fees, which are fixed costs, and User Fees which are charges for operation and maintenance and are variable costs that may change in proportion to the quantity of wastewater collected and treated.
2. Charges for construction, or fixed costs, may be applied to either the operating and maintenance or the sewer debt.
 - a. Betterment Fees are calculated to pay the sewer debt service. Every property in the former Conway Village Fire District service area, regardless if sewer is available or not, shall pay this quarterly.
 - i. Each residential property is charged based on the number of units per the property's tax card filed with the Town of Conway Assessing Office.
 - ii. Commercial Buildings with multiple commercial businesses shall be charged by the number of different businesses renting from the owner whether separate store fronts or offices in a single building.
 - iii. Mobile Home parks shall be charged per the number of lots on the tax card filed with Town of Conway Assessing Office
 - iv. Educational institutions shall be charged per Water Equivalent Residential Units (ERUs) based on the number of students and the type of institution per the New Hampshire Department of Environmental Services ENV-Wq 1008.
 - b. Sewer Connection Fees: Any and all new construction connecting to the Town sewer shall pay a connection fee. A residential dwelling will be charged one (1) connection fee per living unit. Large projects, i.e. apartments or large commercial projects will be charged based on the number of living units, number of storefronts or offices being constructed.
 - i. Existing dwellings that are in place prior to sewer being constructed will be exempt from connection fees.
 - ii. Any property that disconnects from the system will be responsible for connection fees should it reconnect.
 - iii. Any property that disconnects from the system will still be responsible for Betterment Fees.
 1. Reasons for disconnection only include demolition of existing building(s) with no replacement erected.
 - c. Failure to Connect: Existing structures that are not connected to Town of Conway sewer one (1) year after sewer has been installed, with property abutting the town sewer main, and are within 400 feet of the sewer main will be charged all fees as if they were connected per RSA149-I:7 and RSA 149-I:24.
3. The amount of the connection fees shall be established by the Selectmen of the Town of Conway and published separately as a part of the Town sewer user charge system. Connection fees shall be accounted for in its own line item in the account system. The money collected from Connection Fees will be transferred to one of the sewer Trust

Funds designated for the debt service, short term asset replacement, or sewer maintenance and projects.

4. User charges: Each user connected, or unconnected, to the sewerage system shall pay a sewer user charge determined by the Board of Selectmen to cover the costs of management, maintenance, operation, and repair, including replacement of the wastewater system. Sewer user charges shall be based on water use.
5. Sewer surcharges may be levied upon users who discharge wastewaters to the system that are above normal strength. The discharge of septage is an example of assigning a surcharge for operation and maintenance. For the purpose of determining the surcharge, normal domestic wastewater shall be considered to have a BOD and suspended solids concentration of 250 mg/l.
 - a. Any user contributing more than 5,000 gallons per day and whose discharge strength is greater than 600 mg/l BOD or 300 mg/l TSS shall prepare and file with the Town Sewer Department a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain this data, and these data shall be used to calculate the user charge for that user. The Town shall have the right to gain access to the waste stream and take its own samples.

Article XI. Payments – Water/Sewer Bills

It is the Town's policy to have the sewer bills solely in the name of the property owner.

Bills for sewer service will be due and payable upon presentation of the bill. The failure of the customer or representative to receive written notice of the water/sewer bill does not relieve the customer from the obligation of its payment or the consequences of its non-payment. All charges are due and payable upon presentation of the bill and are past due thirty (30) days after the date of the bill. The Superintendent or his representatives are not authorized to accept monies due to the Town. All payments must be received at the Town Water Department office located at 128 West Main St. Conway, NH. Failure to make payment when due shall entitle the Town to seek collection and recover all costs of collection including attorney fees, shall place a Lien on the property, and may result in loss of water service.

All properties will receive one bill per meter even though there may be more than one unit in the building. It will be the responsibility of the owner to ensure full payment to the Town.

Property owners may authorize the issuance of a duplicate bill to a tenant or other party upon completion of an Authorization for Duplicate Bill form (Appendix E). The property owner will continue to receive bills, late notices and any other correspondence sent to the authorized party. The owner of the property is ultimately responsible for payment of the bill. Failure to pay the bill could result in a lien per Section XII (E.) of these Rules and Regulations and/or loss of service.

A. Seasonal Services

Seasonal service is supplied to properties for only a portion of the regular billing year according to Town of Conway Water Department procedures. Water being turned off for seasonal purposes or loss of service due to past due amounts does not relieve the property owner of water flat quarterly fees or the Betterment/Flat Fees for sewer. These charges shall still apply to the property per quarter, regardless of water services being on or off.

B. Abatements:

- A. Late Fees will only be abated one (1) time upon request so long as there have been no late fees in the last eight (8) billing cycles.

1. Sewer Usage Abatements

It shall be the policy of this Town to abate sewer usage for customers who suffer an extreme leak that causes an excessive amount of water to flow through their meter but that in no way enters the Town sewer system.

- 1) The Town will not abate water usage, only the sewer usage portion of the bill.
- 2) Customer must complete the abatement request form with all pertinent information (Appendix D).
- 3) Customer must provide sufficient proof that no water has entered the Town sewer system. This proof may include but is not limited to: photographs of effected area prior to correction of the problem, an affidavit from a certified plumber that there was a problem that they fixed, or confirmation from a Town Water/Sewer employee who witnessed the problem. A customer's word will not be considered without this proof.
- 4) Abatements will be calculated by comparing the usage of the current bill with the usage of the bill from the same quarter of the previous year. The difference will be divided by 1,000 and then multiplied by the current sewer rate or the rate at the time of event.
- 5) The Director of Public Works will determine whether an abatement is in order. Customers have the right to appeal the decision to the Board of selectmen at a regular scheduled posted meeting; contact the Executive Assistant to request placement on an agenda The Board's decision of an appeal is final.
- 6) Only one abatement will be granted for a particular problem. Failing to correct a problem in an expedient manner is not cause for an abatement. Only the Board of Selectmen can determine if a problem will encompass more than one quarter.
- 7) The filling of swimming pools, hot tubs, irrigation, or any other planned excessive usage is not cause for an abatement.
- 8) No abatements will be granted if an insurance claim is submitted, and the excess usage is paid by the insurance company. Customer will be responsible for the full amount of the bill.

Planned excessive use is defined as any usage that is not of normal everyday water use i.e. filling a swimming pool or hot tub, irrigating a lawn or garden, running sprinklers, or neglecting to fix a problem once identified.

If a customer plans on using excessive amounts of water, they should plan on one of the following prior to the usage.

- A) If the excessive usage is a recurring event, i.e., filling of a pool or irrigation, a deduct meter should be purchased from the Town Water Department. This meter will need to be installed by a plumber only to the line feeding the spigot being used. The Town will read

this meter during the quarterly meter reads and it will deduct the amount of water passing through it from the sewer usage charge of the bill.

- B) If the excessive usage is a onetime event or a short-term need, the customer should contact the Water/Sewer Department (603-447-5470) to discuss options for the excessive use of water.

Article XII. Discontinuation of Service, Penalties and Liens

A. Discontinuation of Services

Though sewer service is not discontinued, water service may be discontinued by reason of non-payment of water/sewer bills or violation of any rule or regulation contained herein after written and/or verbal notice. Services, once discontinued, may not be resumed until the cause of complaint resulting in discontinuance of service has been resolved and all charges, plus arrearages if any, have been paid in full. Service will also be discontinued without notice in case of fraudulent use or violation of RSA 539:7 "Theft of Utility Services" and/or rules and regulation stated within the Town, Water and Sewer section of these rules. Flat, quarterly fees, including but not limited to Demand Fees, Betterment Fees, and late fees will continue to be charged to the account even after discontinuation of service. In the event service needs to be discontinued after regular business hours, a fee for an after-hours service call will be charged to the account.

If the bill for water service is not paid by the due date, the Town reserves the right to discontinue the service fourteen (14) days after a Past Due notice has been mailed to the property owner on file as well as any party authorized to receive a duplicate bill. The Town may, but is not obligated to, post notice on the front entrance of a property prior to discontinuing water service. The Town shall, to the best of its ability, post notice of discontinuance of service on the front entrance of a property if any part of the service provided accrues to the benefit of one or more parties known by the Town to be residential tenants.

All delinquent bills automatically create a Lien on the real estate where the services were rendered. In accordance with RSA 149-I:11 the lien attached to the property and the delinquency remains the obligation of the person who owns the property at the time the lien is enforced. If the property is sold, the new owner takes on the obligation that had already attached to the real estate when sold. The Town reserves the right to place a mechanics Lien with the Carroll County Registry of Deeds on properties in arrears two billing cycles or over \$1,000.00.

B. Discontinuation of Service to Residential Tenants (renters)

RSA 38.31 states:

I. Notwithstanding any other provision of law to the contrary, except as provided in paragraph V of this section, no municipal water/sewer company shall disconnect service to a customer if any part of the service provided accrues to the benefit of one or more parties known by company to be residential tenants, unless the company gives written notice to the tenants. Such notice shall set forth:

- (a) The date on or after which the company proposes to disconnect service.
- (b) A statement that the reason for disconnection is a dispute between the company and the landlord.
- (c) A statement that the tenant should contact the landlord for more information.
- (d) An address and telephone at which the tenant may contact the utility in order to make arrangements to maintain service.

II. A municipal water/sewer company shall refrain from terminating service to the affected premises if so requested by the tenant, provided that the tenant agrees to be responsible for service provided as of the date of the tenant's request. However, the water company may continue to list the landlord's past due balance on the tenant's bill, and the Lien created pursuant to RSA 38:22 shall include any past due charges which accrue after the company begins billing the tenant. The utility shall provide direct service to the person requesting it on terms and conditions applicable to all residential customers. Such service may include other charges, such as sewer and fire protection service, if customarily included with water service billing.

III. Immediately upon learning that a tenant has been disconnected without the notice required in paragraph I, the water company shall reconnect service and may charge a reasonable reconnection fee which may be added to the existing arrearage.

IV. The notice required by paragraph I shall be provided to the tenant no less than 7 days in advance of the proposed disconnection, by posting a conspicuously lettered notice on the main entrance door to each building in which service is being terminated. In addition, the Town shall post the notice on a back door or side door to which the company has reasonable access, or in a common area of each building. The Town, at its option, may notify the tenants in the affected property by mail rather than by posting.

V. The notice to tenants required by paragraph I of this section shall not be required when necessary to avoid danger to life or property, and upon the order of a duly constituted public authority such as police, firefighters, public health officer, and building inspectors.

Thus, it is the Town's policy to have written documentation from property owners that notify the Town Sewer Department of tenants occupying the property. This document will be placed on account and give permission for tenants to discuss the utility bill. Additionally, property owners may submit an Authorization for Duplicate Bill allowing the Town to send a bill directly to the tenant; owners will still receive a copy of the bill and all correspondence sent to the tenant regarding the account. Submitting an Authorization for Duplicate Bill in no way relieves the property owner of the responsibility for the water/sewer service of the property.

In the instance where landlords have received a shut off notice for failure to pay, the Board of Selectmen will review individual tenant cases in which water is needed for medical conditions and purposes. Selectmen may allow the continued use of water in such instances with proper medical documentation.

C. Renewal of Service after Discontinuation

Renewal of service will occur once all charges and fees, or the cause of complaint resulting in discontinuance of service has been resolved during regular business hours. The property owner must arrange for someone to be present at the time of the renewal. If the renewal occurs outside of regular business hours, a fee for an after-hours service call will be charged to the account.

D. Penalties - Late Fees Due to Non-payment

Late fees for sewer service, betterment fees, returned check fees, and lien fees shall be assessed thirty-one (31) days after bill date. Late fees shall be assessed once a quarter at 3%, compounded, of the outstanding balance for water/sewer bill.

Late fees for invoices for Sale of Inventory and Service Calls shall be assessed every thirty days at 5% compounded.

E. Liens

Per RSA 149-I:11 charges rendered for sewer services automatically create a lien on the real estate that shall remain in place for 18 months from the date of the last unpaid bill unless the Town records, with Carroll County Registry of Deeds, a notice of lien. A Lien filed with the Carroll County Registry of Deeds is in force for 6 years. If an account is delinquent for two billing cycles, the Town Sewer Department shall file a notice of Lien with the Carroll County Registry of Deeds prior to the next billing cycle and will only release the Lien after all charges have been paid in full. The account associated with the real estate shall be charged the fee associated with filing of liens.

Liens are attached to the real estate and are the obligation of the property owner regardless of who is responsible for the payment of services rendered. If the property is sold and the Lien has not been satisfied at the closing, the new owner takes on the obligation that had already attached to the real estate when it was sold. The Town may discontinue services upon filing of the Lien, or any time after, with no further notice. Flat, quarterly fees, including but not limited to Demand Fees, Betterment Fees, and Late Fees will continue to be charged to the account even after Notice of Lien has been filed and/or the discontinuation of service.

Article XIII. Writ of Extension

We the citizens of the Town of Conway, do hereby set forth the following Rules and Regulations to be known as the “Writ of Extension”, which will govern the users of services provided by the Town of Conway and the Selectmen shall be authorized and instructed to carry out the below listed Articles.

Any application for services outside of Town boundaries shall require review by the Board of Selectmen with all pertinent information to be supplied by the property owner. It is the intent of the Town that all properties requesting service connection are charged the same as in-town residents for user fees, demand fees, betterment fees, connection fees, late fees, and all other services provided by the sewer department. However, the Town will not provide sewer mains to reach out-of-town residents and any lines laid to connect to the Town Sewer System must meet town specifications.

Article 1 Extension of any service within the town shall be contingent upon a majority vote of the Board of Selectmen. If, in the opinion of the Board, it is felt that the service extension will significantly impact the system, the Board can hold a duly noted Public Hearing for voter review and input. The developer shall furnish the Board of Selectmen with all pertinent information to make a decision (ex. Impact Study, drainage calculation, etc.)

Section A In the event of the approval of the extension of any town water service, the total cost of the extension will be paid by those requesting the service.
The extension project shall be overseen by town employees.

Article 2 Extension of any service without the Town shall be authorized by the majority vote at any duly called Annual or Special Meeting. Costs for said services shall be borne completely by those individuals requesting the extension.

Section A Any vote at a duly warned Annual or Special Meeting authorizing the extension of the Town services outside the Town boundaries shall be valid for one year from date of vote, provided that construction of such

extension is substantially commenced and continuing at the expiration of said one year term, the vote shall be deemed to continue in full force and effect.

Section B In the event of the approval of the extension of any Town sewer service, the total cost of the extension will be paid by those requesting the service. The extension project shall be overseen by town employees or its designee.

Article 3 No Town sewer main, pipe, or service connection shall be placed or installed on any private property unless an easement or right-of-way is legally secured by the party requesting the service for the purpose of installing and maintaining the same.

Article 5 In the event an extension is approved, the party bearing the costs of the extension will retain ownership for maintenance for no less than one year before deeding that line to the Town.

Article 6 Articles mentioned in the Writ of Extension may be amended at any Annual or Special Meeting duly called, and any vote taken may be considered passed by a 2/3 majority of those qualified voters present.

Article XIV. Escrow Account for Professional Engineering Review

Section A The Board may require professional engineering reviews, special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision on request by an applicant wishing to connect to the Town's water system. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations and will be deposited in a non-interest-bearing escrow account held by the Town. The Town will contract with an engineering firm of its choosing, who will report directly to the Town.

Section B If the applicant formally withdraws the request for approval after the engineering process has begun, the applicant will be financially responsible for any services rendered. Any remaining unused dollars shall be returned to the applicant upon completion of project or formal withdrawal.

Section C In the event that initial dollars requested of applicant are insufficient to cover expenses, additional funds will be requested and must be received before final approval or disapproval is rendered.

Article XV. Use of Public Sewers Required

1. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal waste, or other objectionable waste, in any unsanitary manner, on public or private property within the Town or in any area under the jurisdiction of the Town.
2. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where

suitable treatment has been provided in accordance with federal, state and local requirements.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the sewer service area.
4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town sewer service area 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 these Rules and Regulations, within one year of official notice to do so or any extension which may be granted by the Selectmen, provided that the said public sewer is within four hundred (400) feet of said house or building. The Town reserves the right to review the development of raw land and require, at the owner's expense, the installation of suitable toilet facilities and the connection of such facilities with a public sewer which the Selectmen may require to be placed in the road by the developer without cost to the taxpayers.
5. The Master Plan identified the priority of sewer throughout the Town. These priorities will drive the future installation of sewer mains. The long-term goal of the Town is to provide sewer service to all residents whether they live on a town, state or private road, but this must be tempered by the ability of the taxpayers and rate payers to pay for the system. Our first priority is to protect the aquifer (drinking water protection area), all homes and businesses located adjacent to these streets that must hook up to the sewer system.
6. As set forth in Article XVII, if the development is approved for building within the Town, the Town reserves the right to require that sewer lines shall be placed in the road by the developer to ensure that future hookup can occur without additional costs being incurred by the taxpayers.
7. The requirement of mandatory connection contained in these rules and regulations may be waived at the discretion of the Selectmen in accordance with RSA 485-A:41, EPA Env-Wq 1001.02 and the purposes of these regulations after consultation with the Superintendent, and, only if the property is already served with an adequate alternative sewage disposal system which complies with applicable state and local regulations, and has been inspected at the owner's expense by a New Hampshire licensed designer who states in writing that it is properly functioning, was designed by a designer licensed in New Hampshire, and approved for construction by the New Hampshire Department of Environmental Services and is less than 20 years old. The request for a waiver must be in writing and satisfy the foregoing conditions. If granted, the waiver is not transferrable, and a new owner must connect to the public sewer or seek a new waiver. The waiver is automatically revoked at the owner's expense if the system fails, and the owner shall be required to connect with the public sewer. The waiver may be revoked for good cause and shall only be effective for five years whereupon a new waiver may be requested, or the property shall be connected to the public sewer at the owner's expense. The request for a new waiver is discouraged and the possibilities of issuance are remote. The issuance of a waiver shall not limit, in any fashion, the obligation to pay charges or fees to the Town, including, but not limited to the Betterment Fee. The Selectmen may set a reasonable fee for processing waivers. Notwithstanding the foregoing, all owners of

properties abutting a public sewer shall be required to install suitable toilet facilities and to connect such facilities. No waiver shall be granted in these groups, provided, however, the Selectmen have discretion to grant a waiver when the property abuts the public sewer, the house or building is a single-family unit and is more than 400 feet from the public sewer.

Article XVI. Private Wastewater Disposal

The Town does not accept, treat, or dispose of any private septage.

Article XVII. Building Sewers and Connections

No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Sewer Department. After the Applicant has complied with the requirements of these rules and regulations set forth herein, the Town shall issue the permit to the Applicant.

There shall be two (2) classes of building sewer permits:

- a. Residential/Commercial: users producing only domestic wastewater or 50 population units (5,000 gallons/day)
- b. Industrial users: users who may be required to provide results of periodic tests upon request of the Town. These tests shall be conducted at the user's expense.

A. Applying for Sewer Service

- Applications for sewer service must be made in writing on the forms provided at the Town of Conway Water/Sewer Department (Appendix A). An acceptance by the Superintendent shall constitute a contract between the Town and the applicant, obligating the customer to pay the established rates and charges and to comply with the rules and regulations.
- The Town reserves the right to determine the size and the location of any proposed sewer service.
- Application will be subject to there being an existing main pipe in the street or right-of-way abutting the premises to be served. Acceptance shall in no way obligate the Town to extend its mains to service the premises.
- Application for sewer service will be accepted by the Town Sewer Department from the owner of the premises only. It is the Town's policy that all accounts be in the name of the property owner.
- All costs and expenses incidental to the installation and connection of sewer line shall be borne by the owner(s). The owner(s) shall indemnify and hold harmless the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer line when the owner(s) or their agents perform such work.
- Any excavation within the Town Road Right-of-Ways shall require additional fees and surety to guarantee the quality of work performed by contractors, developers, utilities or others doing work on town properties or town roads. The applicant agrees to allow the Town to use the surety/warranty to finish/repair the work should the applicant fail to do so. The applicant agrees to assume any additional costs that the Town may incur to maintain, finish or repair the work as necessary. The applicant also agrees to assume the cost of testing and inspection(s) fees.

B. Alteration of Property

- No customer shall install any additions or alterations of any service pipes or private property plumbing additions or deletions without first notifying the Sewer Department of the proposed changes.
- The Town Sewer Department must be notified of any additions or deletions of Auxiliary Living units, change of use from residential to commercial or visa versa, and converting from a single home to multifamily, et al.
- The owner of the property or their licensed plumber is required to contact the Sewer Department and obtain, complete and submit a Change of Use Application (Appendix B).
- A Building permit and/or zoning application from the Town of Conway stating change and approval from Town must be reviewed and signed off by the Superintendent.
 - Additional Connection fees may apply if additional services are required.
 - Additional Demand Fees may apply if additional meters are installed.
- All work performed must be inspected by a Town of Conway Sewer Department employee before backfilling is done.
- All invoices and connection fees must be paid in full before service commences.

C. Construction

- Any property connecting to the Town of Conway sewer system that is not connected to the Town of Conway water system, or where water service is not available, will be required to purchase, from the Town of Conway Water Department, and install a water meter on the incoming water line from the well for billing purposes. Sewer is billed per the amount of water used in a premises.
- No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
 - Any connection of roof downspouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or groundwater found connected to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer shall be **immediately** removed. The Town shall allow seven (7) days for a permanent fix which must be inspected by a Town Sewer employee. If the connection is found to not have been permanently removed and redirected, a fine will be imposed on a daily basis until the violation has been permanently corrected. Once corrected, if in the future the violation reoccurs, the fine will be imposed immediately.
- A separate and independent sewer line shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer line may be extended to the rear building and the whole considered as one-sewer line, 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.
- Sewers lines may, at the discretion of the Town, be used in connection with new buildings only when they are found, after examination and testing by the Town, to meet all the requirements of these Rules and Regulations.
- The size, slope, alignment, materials of construction of a sewer line, 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 Conway, and/or the State and shall be noted on the submitted

plans. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM, WEF Manual of Practice No. 9, and/or Division Standards of Design for Sewerage and Wastewater Facilities shall apply. In addition, 6-inch diameter at grade cleanouts shall be required at the property line, the structure, and street connection and every 200 feet of the connection whenever the connection exceeds 100 feet from the street to the structure.

- Whenever possible, the sewer line 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 means approved by the Town and discharged to the building sewer at the owner's expense.
- The connection of the sewer line into the public sewer shall conform to the latest editions of the requirements of the building and plumbing code, State of New Hampshire regulations Env-Ws 700, or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM, ASCE manuals of engineering practice, WEF Manual of Practice No. 9 or No. FD-5, and/or Division Standards of Design for Sewerage and Wastewater Facilities. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.
- The Applicant for the sewer connection permit shall notify the Superintendent when the sewer line is ready for inspection and connection to the public sewer. The connection and testing shall be made under supervision of the Town Sewer Department.
- All excavations for sewer line installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the owner's expense when the owner(s) or their agents perform such work.
- Any person proposing a new discharge into the system or an increase in the volume, beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system, shall make application to the Town Sewer Department for a modification of their permit at least sixty (60) days prior to the proposed change or connection. No person shall operate with such an increase or change without first having applied for and received a modification to their permit.
- 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 shall require prior approval by the Town and the Division of Environmental Services.

Article XVIII. Use of Public Sewers

1. No person(s) shall discharge or cause to be discharged to the sanitary sewer, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool water, sump pump discharge, or unpolluted industrial waters.
2. No discharge into the sewer system shall pass through or interfere with the operation or performance of the POTW and the POTW Residuals Management Program. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. Notification shall be given to the Town Sewer Department immediately in the event of any bypass.
3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to:
 - i. Waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21; and,
 - ii. Any pollutant which causes an exceedance of 10% of the lower explosive limit as measured by an explosimeter at the point of discharge or at any point within the sewer, POTW or associated systems.
 - b. 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 or residuals management program, constitute a hazard to humans or animals, create a public nuisance, exceed any applicable National Categorical Pretreatment Standards, or cause pass through.
 - c. Any waters or wastes having pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
 - d. 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 or residuals management program such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - e. Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104°F (40°C) or cause inhibition of biological activity in the POTW.
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewer, POTW, or associated systems in a quantity that may cause worker health and safety problems or exceed an exposure limit.
 - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - i. Obnoxious gases.
4. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process, equipment, or residuals management program, will not have an adverse effect on the receiving water, or will not otherwise endanger human health, public property, or constitute a nuisance. The Town may set limits lower than the limitations established in the Rules and Regulations below if in its opinion such limitations are necessary to meet the above objectives. In forming its opinion, the Town 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, impacts on sludge toxicity and residuals management and other pertinent

factors. The Town shall not permit those discharges which are prohibited by Sections 3 and 4 of this 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 Town are as follows:

- a. Any liquid or vapor having a temperature greater than 150°F (65°C).
- b. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
- c. Wastewater containing more than 100 milligrams per liter of oil and grease, or floatable oil not limited by Section 4 of this Article or containing substances which may solidify or become viscous at temperatures between 32-150°F.
- d. Any garbage that has not been properly shredded. 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.
- e. Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Town, the Division, or the National Categorical Pretreatment standards, as promulgated by the EPA, for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State and Federal regulations.
- h. Quantities of flow, concentration, or both which constitute a "slug" as defined herein.
- i. Waters or waste-containing substances which are not amenable to treatment by the wastewater treatment process employed, adversely impact residuals management, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the permitted discharge.
- j. Any water or wastes which are reactive or, by interaction with other water or wastes in the public sewer system, release toxic, flammable, or explosive gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures, treatment process, and residuals management.
- k. Any pathogenic or infectious or physically dangerous medical or biological waste or any wastewater which results from the management or treatment of such wastes.
- l. Any hazardous waste or any wastewater which results from the management or treatment of hazardous waste.
- m. Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the Town; any filter backwash that is not treated to meet the requirements established herein, unless specifically permitted by the Town.

- n. Any wastewaters which contain PCBs, dioxins, Phenanthrene chlorinated naphthalenes; Fluoranthene, Hexachlorobutadiene or pesticides, including, but not limited to, Dieldrin, Chlordane, 1,1,1-Trichloro-2,2-bis (p-chlorophenol)-ethane (4-4 DDT), Demeton, Endosulfan I, Endosulfan II, Endrin, Guthion, Heptachlor, Malathion, Methoxychlor, Mirex, Parathion, Acrolein, Aldrin, Tetrachlorodiphenylethane (TDE), 1,1-Dichloro-2,2-bis (p-chlorophenol) ethane (DDE), Hexachlorocyclo-hexane, Lindane, Benzene-cis-hexachloride and benzene-trans-hexachloride (BHC), Hexachlorocyclo-pentadiene, and Toxaphene, unless specifically permitted by the Town.
- o. Any treatment residue, sludge, scum, solid or material resulting from the management of such materials, unless specifically permitted by the Town.
- p. Wastes or wastewater from outside the Town, unless the wastes or wastewater is discharged pursuant to the Town Sewer Department Rules and Regulations regarding connections serving property located outside the Town of Conway.
- q. Detergents, surface-active agents, or other substances that cause excessive foaming in sewers, the wastewater treatment process or associated facilities.
- r. Wastewater with any of the following constituents at concentrations greater than those indicated below [Chart 1]:

[Chart 1]

Parameter	Limit
Arsenic	0.93 mg/l
Ammonia	400 mg/l
BOD	600 mg/l
Boron	5.0 mg/l
Cadmium	0.06 mg/l
Chloride	1200 mg/l
Chromium	0.32 mg/l
COD	1320 mg/l
Copper	0.10 mg/l
Cyanide	0.03 mg/l
Effluent Acute Toxicity	LC 50 = 100%
Iron	100 mg/l
Lead	0.04 mg/l
Mercury	0.002 mg/l
Nickel	1.5 mg/l

Phenolic Compounds	550 mg/l
Phosphorus	45 mg/l
Selenium	1.0 mg/l
Silver	0.10 mg/l
Sulfide	2.5 mg/l
TKN	450 mg/l
Total Toxic Organics	5 mg/l
TSS	300 mg/l
Zinc	3.7 mg/l

Notes: All metals to be reported as total recoverable.

- s. Wastewater which has a concentration of any pollutant above the following screening levels or levels set by individual IDPs. Fume toxicity, explosivity, and ignitability screening levels will be developed where appropriate for individual industrial discharges based on wastewater composition. Such screening levels shall be generated on the basis of standard 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.

<u>Parameter</u>	<u>Level</u>
Chlorine	10 mg/l

- t. Excessive discoloration such as, but not limited to, dye washers and vegetable tanning solutions.
 - u. Unusual BOD, COD, TSS, TDS, alkalinity, or chlorine requirements in such quantities as to constitute a significant load on sewage treatment works.
5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in number 4 of this Article, and which in the judgment of the Town may have a deleterious effect upon the wastewater facilities, processes, equipment, residuals management program, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:
- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge; and/or
 - d. Require payment to cover added cost of handling and treating the wastes.
6. If the Town permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of,

NHDES, the Town 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 of the responsibility of discharging treated waste meeting the requirements of these Rules and Regulations. Plans and specifications for a proposed pretreatment facility shall be the result of the design and shall bear the stamp of a professional engineer registered in the State of New Hampshire. All costs for such shall be borne by the owner.

7. An external grease interceptor (min. 1,000 gallons for 50 or less seating capacity and 250 gallons for every 25 seats thereafter) shall be required to receive the drainage from fixtures and equipment with grease-laden waste. In all fixed food service establishment kitchens the required mop sink, floor drains in the food preparation areas, and prewash and wash compartments of the pot sink shall be connected to the grease interceptor. Food waste and dishwasher grinders shall not discharge into the building drainage system through a grease interceptor. Compliance with all applicable codes established by Building Official and Code Administrators (BOCA) shall be required.
8. Grease, oil, grit, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 4(B), or any flammable wastes, sand, or 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 Town and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance 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 Town. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
9. The Town may require a user of sewer services to provide information needed to determine compliance with these Rules and Regulations. Such information may include:
 - a. Wastewater discharge peak rates and volume over a specified time-period.
 - b. Chemical analyses of wastewaters including MSDS sheets.
 - 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.
10. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with EPA approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40

CFR 136) and 40 CFR Part 122, or if none are available, then with methods specified in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Town.

11. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations published under, or are compatible with any User Charge System in effect, and do not waive applicable National Categorical Pretreatment Standards.
12. Septic tank waste.
13. It shall be illegal to meet requirements of these regulations by diluting wastes in lieu of proper pretreatment.
14. 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 ensure that all employees who may cause or suffer such a discharge to occur know of the required notification of the Town.
15. If sampling performed by an industrial user indicates a violation, the user shall notify the Town Sewer Department within 24 hours of becoming aware of the violation. Verbal notifications must be followed by the timely submission of written notification. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town Sewer Department within 30 days after becoming aware of the violation.

Article XIX. Industrial Pretreatment

1. All persons discharging industrial wastes to the sanitary sewer shall comply with applicable requirements of the industrial pretreatment regulations contained in this Article, and Federal, State, and local laws, ordinances, codes, regulations, and rules, including the National Categorical Pretreatment Standards. The National Categorical Pretreatment Standards which would apply to industries if there were Clean Water Act jurisdiction (which there is not) are hereby adopted and incorporated herein.
2. The discharge of any industrial waste to the sanitary sewer is prohibited without a valid Industrial Discharge Permit (IDP).
3. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances governed by these Rules and Regulations. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.
4. Persons subject to this Article shall submit an application for an IDP containing information required under applicable State and Federal pretreatment regulations. Such information, at a minimum, shall include:
 - a. The name and address of the facility, including the name of the operators and owners.

- b. A list of all environmental permits held by or for the facility.
 - c. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility including:
 - i. An identification of the categorical pretreatment standards applicable to each regulated process.
 - ii. An analysis identifying the nature and concentration of pollutants in the discharge.
 - iii. Notification to the Town Sewer Department of any proposed or existing discharge of listed or characteristic hazardous waste.
 - iv. In those instances, in which the industrial user provides notification of discharge of hazardous wastes, the industrial user shall also provide the following certification: "I certify that the company has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree the company has determined to be economically practical."
 - v. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
 - vi. A schedule of actions to be taken to comply with discharge limitations.
 - vii. Additional information, as determined by the Town, may also be required.
5. The IDP shall outline the general and specific conditions under which the industrial waste is accepted for treatment at the Town's Wastewater Treatment Works. The IDP shall include the following:
- a. Whether pretreatment and self-monitoring facilities are required.
 - b. A description of the required monitoring parameters and frequencies.
 - c. Effluent limitations on the industrial process waste.
 - d. Reporting requirements.
 - e. Location of sampling sites, and the types and number of samples to be taken.
 - f. A requirement that the industrial user provide notice of slugs, bypass or noncompliance.
6. An IDP is issued to a specific user for a specific operation. An IDP shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Town. Any succeeding owner or user shall comply with the terms and conditions of the existing permit until such time as the Town issues a new IDP.
7. Persons holding an IDP shall comply with the following reporting requirements:
- a. Industrial users shall submit periodic reports, as required, indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. Sampling for all Significant Industrial Users for periodic reports must be

performed during the period covered by the report. Extra sampling data from categorical Significant Industrial Users must be included in the periodic reports. The reports shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operations and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Town.

- b. Reports submitted under this Article shall be signed by an authorized representative. An authorized representative may be:
 - i. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; or
 - ii. A general partner or the proprietor if the industrial user is a partnership or sole proprietorship; or
 - iii. By a duly authorized representative of either of the individuals designated above if such representative is responsible for the overall operations of the facility.
- c. Reports submitted under this Article shall include the following certification:

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

8. Industrial users subject to the reporting requirements under this Article shall maintain records of information resulting from monitoring activities and be required to prepare such reports. Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the Town. Such records shall include for each sample:
 - a. The date, exact place, method and time of sampling, the flow rate, production rate, and the name of person or persons taking the sample.
 - b. The dates analyses were performed.
 - c. The laboratory performing the analysis.
 - d. The analytical techniques and methods used.
 - e. The results of such analysis.
9. IDPs shall also be subject to the following conditions:
 - a. The IDP will be in effect for three years and the applicant shall apply for renewal at least 60 days prior to expiration, unless the applicant is notified otherwise.
 - b. Prior to its expiration, an IDP may be terminated, revoked, or modified for failure to comply with any of these Rules and Regulations.
 - c. The Town may modify an IDP, prior to its expiration, so it conforms to discharge limitation requirements.

- d. An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a complete IDP application to the Town Sewer Department at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered New Hampshire professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the Town, the Town will issue a new or amended IDP in accordance with the procedures outlined in this Article.
- e. Industrial users will be assessed an annual fee by the Town Sewer Department to defray the administrative costs of the IDP program and may also be assessed an industrial cost recovery fee.

10. National Categorical Pretreatment Standards.

- a. All industries which would be subject to categorical pretreatment standards if there were Clean Water Act jurisdiction shall comply with these standards and any future standards that are promulgated by the EPA. For the purposes of these regulations, such industries shall be considered subject to categorical pretreatment standards.
- b. An industrial user subject to categorical pretreatment standards shall not discharge to the wastewater facilities after the compliance date of such standards unless an amendment to its IDP has been issued by the Town.
- c. Within one hundred twenty (120) days after the effective date of a categorical pretreatment standard, an industry subject to such standard shall submit an application for an IDP Amendment. The Application shall contain the information required in Section 5 of this Article.
- d. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into the sewer, any industrial user subject to pretreatment standards and requirements shall submit to the Town Sewer Department a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative.
- e. At least 90 days prior to the commencement of a discharge, new sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Town Sewer Department a report which contains the information listed in 40 CFR 403.12(b)(1)-(5) and demonstrates compliance with applicable laws, rules, regulations, codes, and standards. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information required in 40 CFR 403.12(b)(4) and (5) and Env-Ws 904.
- f. Specific discharge limits on pollutant(s) shall be developed and continue to be developed as necessary and shall be effectively enforced by the Town.

- g. Where the Town develops specific prohibitions or limits on pollutants or pollutant parameters, such limits shall be deemed Pretreatment Standards.
 - h. Compliance with applicable pretreatment standards and requirements of Industrial Users shall be enforced by the Town in accordance with these Rules and Regulations.
11. Industrial Users shall immediately notify the Town Sewer Department of any slug or spill discharged or any noncompliant discharge by such user to the sanitary sewer. The user shall send a written report to the Town Sewer Department within five (5) days of the incident describing the reason for the slug or spill, remedial action taken, and steps taken to prevent its reoccurrence.
- a. Any damage the Town suffers as a result of a spill or slug or any noncompliant discharge is considered a violation of these Rules and Regulations, and costs for repair, replacement or other associated costs shall be recoverable from the user.
12. The Town Sewer Department shall, as necessary, sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing non-compliance with industrial pretreatment standards. Each industry shall be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the sanitary sewer shall allow unrestricted access to authorized Town personnel for the purposes of investigating and sampling discharges from the industries. This access shall include copying and inspection of any records pertaining to the discharge or disposal of wastes or wastewater and any records that have been compiled pursuant to pretreatment programs or are needed to determine compliance status.
13. The Town shall investigate instances of non-compliance with industrial pretreatment standards and requirements.
14. Information and data submitted to the Town under this Article relating to wastewater discharge characteristics shall be available to the public. Other such information shall be available to the public to the extent authorized by the Town.

Article XX. Powers and Authority of Inspectors

Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties connected to the public sewer system for the purposes of inspection, observation, maintaining public safety, maintenance, measurement, sampling, inspection and copying of records and testing pertinent to discharge to the wastewater facilities, in accordance with the provisions of these Rules and Regulations.

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 public disclosure might result in a competitive disadvantage to the industrial user. The burden of proof that information should be held confidential rests with the industrial user.

Article XXI. Limits of Liability

The approval of permit applications or the acceptance of any sewer construction by any of the Town's appointed officials does not indicate, nor should it be construed as acceptance of any liability by the Town, or any of its employees for claims which may arise due to errors, oversights, inferior material, poor workmanship or damages incurred in connection with construction of building sewers or private sewer disposal systems as set forth in Articles III, IV, and V of these Rules and Regulations.

Article XXII. Rules and Regulations Signature Page

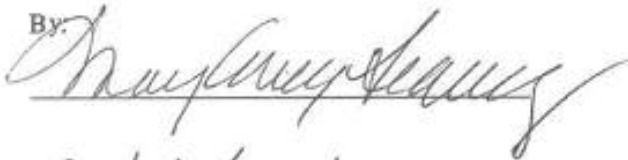
ENACTMENT

Sewer Rules and Regulations

These Rules and Regulations shall be in full force and effect as an ordinance regulating Sewer Department operations and the use of sewer within the service area of the Town of Conway Public Sewer from and after their passage, approval, recording, and publication as provided by law.

Duly enacted and ordained this 21 day of January 2025 by the Board of Selectmen of the Town of Conway in Carroll County, State of New Hampshire at a duly noticed and duly held meeting of the said Board of Selectmen.

By:











APPENDECES

Appendix A – Wastewater Connection Application

Appendix B – Change of Use Application

Appendix C – Sewer Connection Waiver Request

Appendix D– Sewer Usage Abatement Request

Appendix E- Authorization for Duplicate Bill

Appendix A
Town of Conway
Sewer Department

128 West Main Street Conway, NH 03818
Phone: 447-5470; Fax: 447-3271
This Institution is an Equal Opportunity Provider

WASTEWATER CONNECTION PERMIT APPLICATION

Property Owner Information:

Name: _____

Mailing Address: _____

Town/State/Zip: _____

Phone Number: _____

Property Information:

Street Address: _____

Map/Parcel Numbers: _____ / _____

Type of Project: (please check one)

New Construction _____ Existing Structure _____

Type of Structure: (please check one)

Residential _____ Commercial _____

Construction Material/Information: (please refer to attached spec. sheet)

Pipe size: 4" _____ 6" _____ Other _____ (please explain in description)

Plastic/PVC _____ SCH 40 _____ SDR 35 _____ Other _____ (please explain in description)

Lift Pumps/Grinding Station(s) _____ Other _____ (please explain in description)

Brief Description of Project: _____

*Industrial Connections: Please provide cover sheets for all MSDS data (Continual updates to the Town's Sewer Department is required)

Please provide a detailed drawing indicating pipe layout including pertinent locations of clean-outs, intersecting lines, elevation, etc. and attach to application.

Have you applied for a building permit with the town? YES__ NO__ (if yes date of application _____)

Will you be digging in the Town Right-of-way? YES ___ NO ___ **If yes, you must complete the Construction/Excavation Permit Application and send a separate check for the bond made out to Town of Conway.**

Number of living units/business offices after completion of project _____

Number of bathrooms after completion of project _____

Have you read the Town of Conway Sewer Rules & Regulations (available on Town website – water/sewer page) Yes_____ No_____

By signing this document, you acknowledge that you have read and will abide by the Town of Conway Sewer Rules & Regulations.

Prior to backfill, all construction must be inspected by a Town of Conway certified sewer inspector.

Inspector signature: _____

Owner/Contractor agrees to abide by general construction and plumbing standards recognized by the Town of Conway which includes, but is not limited to, NHDES Backflow/Cross Connection Protection, BOCA Plumbing Construction Standards, including Pressure Reducing Regulations, and the Town of Conway Water/Sewer Rules and Regulations.

There is a connection fee of \$2,300.00 that must be paid prior to commencement of any service.

By signing below, the property owner acknowledges that he/she is responsible for any charges incurred at this property regarding water and sewer and that they and/or the contractor have read and understand Article XVII of the Town of Conway Sewer Rules & Regulations.

Printed Applicant Name

Applicant Signature

Date

Approved by Superintendent

Superintendent's Signature

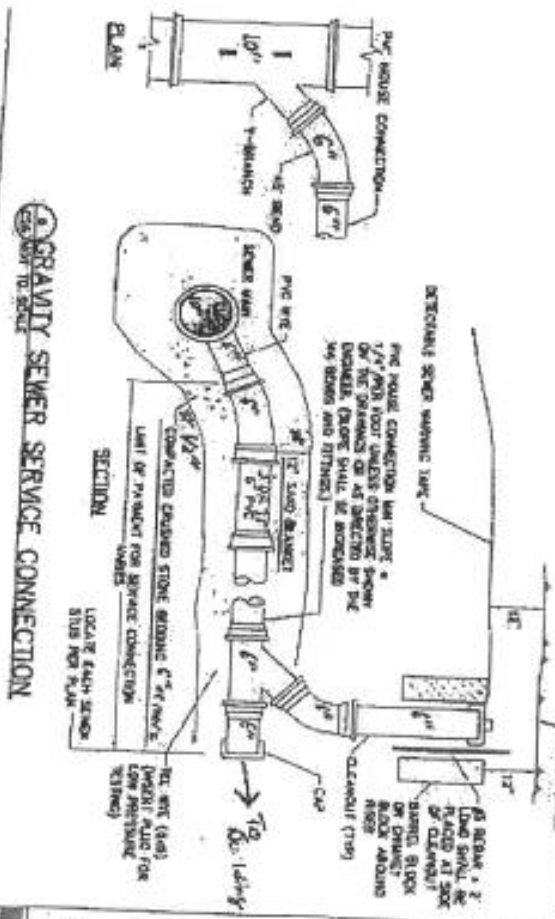
Date

.....
Office Use only

Payment of Connection Fee collected _____

Service commencement date _____

Sewer Pipe SDR 35 - Note: All Connections must be inspected by CIPD before back filling!
 (3) NOT TO SCALE



Underwood Engineers, Inc.
 25 Vaughan Mall, Portsmouth, N.H. 03801
 Tel. 603-438-6192 Fax. 603-431-4733

475

<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>	<p>PROPOSED 2" DIA. VERTICAL SEPARATION BOARD WITH 1/2\"/> </p>
<p>NOT TO SCALE</p>		<p>NOT TO SCALE</p>		<p>NOT TO SCALE</p>		<p>7/1/15</p>	<p>810, 800, 810, 810</p>	<p>PAGE 42, 43</p>



TECHNICAL GUIDANCE MANUAL

WATER AND SEWER SEPARATION REQUIREMENTS (PER IEPA)

Town of Conway, NH

Construction/Excavation Permit Application

Adopted by the Board of Selectmen, November 26, 1996

Revised July 14, 2009, Revised May 3, 2011, Revised May 10, 2017, Revised June 27, 2019, Revised February 27, 2020, Latest Revision November 20, 2024

Applicability: In accordance with NH RSA Chapter 236 and the legislative authority cited in §130-1, §130-66.C.8.(j), and §130-66.C.8.(k) of the Town of Conway Subdivision Regulations, this document is meant to guarantee the quality of work performed by contractors, developers, utilities or others doing work on town properties or town roads. This work includes, but is not limited to such activities as curbing cuts, installing driveways or drainage, providing sewer or water hookups, installing phone, power or cable television, building roads, trenching or paving.

Purpose/intent: This administrative policy and permit was developed to assure the quality of the work and the adherence to the adopted standards and specifications.

Fees: An application fee of one hundred dollars (\$100) shall be included with the application submission.

Surety: All work shall require either a continuing surety bond or a deposit on hand. In either case the amount of funding shall be equal to the cost of the work or five thousand dollars (\$5,000) whichever is greater. The surety will be returned upon completion of the project provided that the work and materials conform to the standards and specifications as determined by the Town or its agent. Any disputes over methods, materials or failure to perform work in the presence of an inspector will require a portion of the surety to be retained for one year from completion of the work as warranty. This warranty amount will be either 2% of the surety or \$5,000, whichever is greater. The applicant agrees to allow the Town to use the surety/warranty to finish/repair the work should the applicant fail to do so. The applicant agrees to assume any additional costs that the Town may incur to maintain finish or repair the work as necessary. The applicant also agrees to assume the cost of testing and inspection(s) fees.

Enforcement and penalties: Failure to obtain a permit prior to construction or failure to comply with the conditions and specifications of a permit shall be subject to the penalties, fines and enforcement procedures authorized by NH RSA 236:14, NH RSA 676:17, NH RSA 676:17-a. and/or NH RSA 676:17-b.

Notification: The Town will require 48 hours notice in order to schedule inspection personnel and mark infrastructure. It is the applicant's responsibility to contact Dig Safe, Inc., and have the area marked prior to the start of construction. It shall be the responsibility of the applicant/ contractors to schedule the inspector after an interruption of work. Exceptions may be made for emergency repairs.

Inspections: The cost of inspection, including materials testing, shall be paid by the applicant. Testing will be as deemed necessary by the Town or its agent.

Plans, Standards & Specifications: All work shall conform to the approved plans and standards. The Town's Road Standards are Article X, Chapter 130 of the Conway Codes. The New Hampshire Standard Specifications for Road and Bridge Construction shall govern when the Town Road Standards are silent. In addition, the following procedures shall be used:

When the pavement is to be excavated, it shall be neatly and uniformly cut with square edges by machine. Should the pavement edge become undermined due to collapse of the trench walls, and then the pavement shall be re-cut two feet back from the undisturbed soil. To prevent differential frost heaving all suitable materials below sub-grade must be saved and used for backfill. The backfill must be thoroughly compacted in accordance with the specifications in lifts not exceeding 12". The base material shall be 1 1/2" crushed gravel conforming to NHDOT 304.3 at 6" to 12" deep. Prior to the placement of the final patch, the pavement shall be saw cut with a two-foot overlap on undisturbed ground. The pavement patches shall be governed by the surrounding pavement as determined by the Town Engineer.

In other areas, the existing surface shall be restored by placing similar material to a depth equal to that of the existing material prior to excavation. Any existing grass shall be loamed, graded and re-vegetated. Any asphalt or concrete sidewalks shall have a surface of equal depth, kind and quality placed.

Additionally, the work shall conform to instructions issued by the Town engineer or authorized representative.

Construction Season/Weather: Work will generally not be permitted during winter months. All work must be complete prior to the pavement plant shutdown in the fall and shall not commence until the plants are operational in the spring. In addition, work may be suspended at other times due to such weather conditions as freezing temperatures, ground frost, snow, sleet, freezing rain, rain, fog or other acts of God. Exceptions may be made for emergency repairs.

Traffic/Access: Traffic must be maintained at all times. Traffic shall be protected by suitable barricades and standard warning signs in accordance with the MUTCD. Flaggers

will be used whenever two-way traffic cannot be maintained. All signs shall be kept in good repair at all times. Suitable unrestricted ingress and egress to abutting properties must be maintained at all times.

Liability: The applicant and its contractor agree to assume all liability associated with the construction. This liability is extended, but not limited to motorists, pedestrians, utility companies or abutters. The applicant or contractor agrees to maintain a minimum of one million dollars of liability insurance. Proof of liability insurance must be submitted to the Town prior to the start of construction. The applicant and the contractor further agree to hold harmless the Town of Conway from any and all claims arising from this construction.

With Completed Application Please Submit:

- Anticipated Work Schedule
- Insurance
- Work Zone Signage & Traffic Control Plan
- Construction/Excavation Plans
- Applicable Fees

Additional Requirements for Construction Permits:

1. Town Inspector shall be in attendance throughout the construction.
2. All work shall be in accordance with the schedule, plans, and specification or as approved by the Town Engineer.
3. Work Zone signage and traffic control shall be maintained throughout the construction.
4. No excavation shall be left unprotected.
5. Failure to adhere to items 1-4 shall result in revocation of the construction permit.
6. Additional Requirements: _____

Town of Conway, NH

Construction/Excavation Permit Application

Adopted by the Board of Selectmen, November 26, 1996

Revised July 14, 2009, Revised May 3, 2011, Revised May 10, 2017, Revised June 27, 2019, Revised February 27, 2020, Latest Revision November 20, 2024

FOR TOWN OFFICE USE ONLY

Permit # _____ is issued on __, 20__ Approved by

This permit will expire on _____ 20__

Any work remaining unfinished after the above expiration date shall be completed by the Town of Conway at the Applicant/Contractor's expense.

Property location: _____ Tax Map & Lot _____

For the following project: _____

Residential Access Commercial Access Other (specify): _____

Excavation Type: Open Cut Other: _____

Excavation Size: _____ Width _____ Length _____ Sq. Ft. _____ Depth _____

Total Sq. Ft. of Pavement Affected: _____ Total Sq. Ft. of Infrastructure Affected: _____

Purpose of Excavation: Water Sewer Drainage Gas Electric Telephone Other: _____

Type of Work: New Construction Alteration Repair/Replace

Agreement: I/we agree with the conditions and provisions set forth in this permit and by signing this application I/we authorize the Town of Conway and its representatives to enter on the property to perform whatever inspections, testing and measurements necessary to administer compliance with the permit:

Applicant: _____

Property Owner/Authorized Agent _____

E-mail: _____ Phone #: _____

Mailing Address: _____

Signature: _____ Date: _____

Contractor: _____

E-mail: _____ Phone #: _____

Mailing Address: _____

Signature: _____ Date: _____

I, _____ on behalf of _____ (Company Name) hereby agree to the above conditions and provisions set forth in this permit and that the work for this project will be performed in accordance with OSHA standards.

Date: _____

Contractor's Signature

F. FOR TOWN OFFICE USE ONLY

PLAN VIEW (NTS)

Shows existing and proposed roads and drainage structures

PROFILE (NTS)

a. CULVERT

Length _____ Diameter _____

Flow calculations for culvert size required? Yes _____ No _____

NA _____ Other _____

FINAL INSPECTION

Site Inspection - post construction conducted by _____ Date _____

Installation approved _____ Disapproved _____ Release deposit: _____ Y
_____ N

Signed _____ Title _____

Appendix B
Town of Conway
Water & Sewer Departments

128 West Main Street Conway, NH 0381
Phone: 447-5470; Fax: 447-3271
This Institution is an Equal Opportunity Provider

**WATER AND/OR WASTWATER SERVICE CHANGE OF USE PERMIT
APPLICATION**

Property Owner Information:

Name: _____

Mailing Address: _____

Town/State/Zip: _____

Phone Number: _____

Property Information:

Account Number: _____

Street Address: _____

Map/Parcel Numbers: _____ / _____

Type of Project: (please check one)

New Construction _____ Existing Structure _____

Type of Structure: (please check one)

Residential _____ Commercial _____

Water Construction Material/Information:

Pipe size: 3/4" _____ 1" _____ 2" _____ 4" _____ 6" _____ Other _____ (please explain in description)

Plastic/CTS _____ Copper _____ Ductile Iron Pipe _____ Other _____ (please explain in description)

Sewer Construction Material/Information: (please refer to attached spec. sheet)

Pipe size: 2" _____ 4" _____ 6" _____ Other _____ (please explain in description)

Plastic/PVC _____ SCH 40 _____ SDR 35 _____ Other _____ (please explain in description)

Lift Pumps/Grinding Station(s) _____ Other _____ (please explain in description)

Brief Description of Project: _____

Have you applied for a building permit with the town? YES ___ NO ___ (if yes date of application _____)

Will you be digging in the Town Right-of-way? YES ___ NO ___ **If yes, you must complete the Construction/Excavation Permit Application and send a separate check for the bond made out to Town of Conway.**

Current number of living units/business offices _____

Number of living units/business offices after completion of project _____

Current number of bathrooms _____

Number of bathrooms after completion of project _____

Have you read the Town of Conway water and/or sewer Rules & Regulations (available on Town website – water/sewer page) Yes_____ No_____

By signing this document, you acknowledge that you have read and will abide by the Town of Conway Water and Sewer Rules & Regulations.

If a new connection is required, prior to backfill, all construction must be inspected by a Town of Conway Water and/or Sewer certified inspector.

Inspector signature: _____

Owner/Contractor agrees to abide by general construction and plumbing standards recognized by the Town of Conway which includes, but is not limited to, NHDES Backflow/Cross Connection Protection, BOCA Plumbing Construction Standards, including Pressure Reducing Regulations, and the Town of Conway Water and Sewer Rules and Regulations.

Additional Connection: There is a connection fee of \$1,000 for water and \$2,300 for sewer (if applicable) that must be paid prior to commencement of any service.

By signing below, the property owner acknowledges that he/she is responsible for any charges incurred at this property regarding water and sewer and that they have read and understand the Water and Sewer Rules & Regulations.

Printed Applicant Name

Applicant Signature

Date

Approved by Superintendent

Superintendent's Signature

Date



Office Use only

Payment of Connection Fee collected _____

Service commencement date _____

Town of Conway, NH

Construction/Excavation Permit Application

Adopted by the Board of Selectmen, November 26, 1996

Revised July 14, 2009, Revised May 3, 2011, Revised May 10, 2017, Revised June 27, 2019, Revised February 27, 2020, Latest Revision November 20, 2024

Applicability: In accordance with NH RSA Chapter 236 and the legislative authority cited in §130-1, §130-66.C.8.(j), and §130-66.C.8.(k) of the Town of Conway Subdivision Regulations, this document is meant to guarantee the quality of work performed by contractors, developers, utilities or others doing work on town properties or town roads. This work includes, but is not limited to such activities as curbing cuts, installing driveways or drainage, providing sewer or water hookups, installing phone, power or cable television, building roads, trenching or paving.

Purpose/intent: This administrative policy and permit was developed to assure the quality of the work and the adherence to the adopted standards and specifications.

Fees: An application fee of one hundred dollars (\$100) shall be included with the application submission.

Surety: All work shall require either a continuing surety bond or a deposit on hand. In either case the amount of funding shall be equal to the cost of the work or five thousand dollars (\$5,000) whichever is greater. The surety will be returned upon completion of the project provided that the work and materials conform to the standards and specifications as determined by the Town or its agent. Any disputes over methods, materials or failure to perform work in the presence of an inspector will require a portion of the surety to be retained for one year from completion of the work as warranty. This warranty amount will be either 2% of the surety or \$5,000, whichever is greater. The applicant agrees to allow the Town to use the surety/warranty to finish/repair the work should the applicant fail to do so. The applicant agrees to assume any additional costs that the Town may incur to maintain finish or repair the work as necessary. The applicant also agrees to assume the cost of testing and inspection(s) fees.

Enforcement and penalties: Failure to obtain a permit prior to construction or failure to comply with the conditions and specifications of a permit shall be subject to the penalties, fines and enforcement procedures authorized by NH RSA 236:14, NH RSA 676:17, NH RSA 676:17-a. and/or NH RSA 676:17-b.

Notification: The Town will require 48 hours notice in order to schedule inspection personnel and mark infrastructure. It is the applicant's responsibility to contact Dig Safe, Inc., and have the area marked prior to the start of construction. It shall be the responsibility of the applicant/ contractors to schedule the inspector after an interruption of work. Exceptions may be made for emergency repairs.

Inspections: The cost of inspection, including materials testing, shall be paid by the applicant. Testing will be as deemed necessary by the Town or its agent.

Plans, Standards & Specifications: All work shall conform to the approved plans and standards. The Town's Road Standards are Article X, Chapter 130 of the Conway Codes. The New Hampshire Standard Specifications for Road and Bridge Construction shall govern when the Town Road Standards are silent. In addition, the following procedures shall be used:

When the pavement is to be excavated, it shall be neatly and uniformly cut with square edges by machine. Should the pavement edge become undermined due to collapse of the trench walls, and then the pavement shall be re-cut two feet back from the undisturbed soil. To prevent differential frost heaving all suitable materials below sub-grade must be saved and used for backfill. The backfill must be thoroughly compacted in accordance with the specifications in lifts not exceeding 12". The base material shall be 1 1/2" crushed gravel conforming to NHDOT 304.3 at 6" to 12" deep. Prior to the placement of the final patch, the pavement shall be saw cut with a two-foot overlap on undisturbed ground. The pavement patches shall be governed by the surrounding pavement as determined by the Town Engineer.

In other areas, the existing surface shall be restored by placing similar material to a depth equal to that of the existing material prior to excavation. Any existing grass shall be loamed, graded and re-vegetated. Any asphalt or concrete sidewalks shall have a surface of equal depth, kind and quality placed.

Additionally, the work shall conform to instructions issued by the Town engineer or authorized representative.

Construction Season/Weather: Work will generally not be permitted during winter months. All work must be complete prior to the pavement plant shutdown in the fall and shall not commence until the plants are operational in the spring. In addition, work may be suspended at other times due to such weather conditions as freezing temperatures, ground frost, snow, sleet, freezing rain, rain, fog or other acts of God. Exceptions may be made for emergency repairs.

Traffic/Access: Traffic must be maintained at all times. Traffic shall be protected by suitable barricades and standard warning signs in accordance with the MUTCD. Flaggers

will be used whenever two-way traffic cannot be maintained. All signs shall be kept in good repair at all times. Suitable unrestricted ingress and egress to abutting properties must be maintained at all times.

Liability: The applicant and its contractor agree to assume all liability associated with the construction. This liability is extended, but not limited to motorists, pedestrians, utility companies or abutters. The applicant or contractor agrees to maintain a minimum of one million dollars of liability insurance. Proof of liability insurance must be submitted to the Town prior to the start of construction. The applicant and the contractor further agree to hold harmless the Town of Conway from any and all claims arising from this construction.

With Completed Application Please Submit:

- Anticipated Work Schedule
- Insurance
- Work Zone Signage & Traffic Control Plan
- Construction/Excavation Plans
- Applicable Fees

Additional Requirements for Construction Permits:

7. Town Inspector shall be in attendance throughout the construction.
8. All work shall be in accordance with the schedule, plans, and specification or as approved by the Town Engineer.
9. Work Zone signage and traffic control shall be maintained throughout the construction.
10. No excavation shall be left unprotected.
11. Failure to adhere to items 1-4 shall result in revocation of the construction permit.
12. Additional Requirements: _____

Town of Conway, NH

Construction/Excavation Permit Application

Adopted by the Board of Selectmen, November 26, 1996

Revised July 14, 2009, Revised May 3, 2011, Revised May 10, 2017, Revised June 27, 2019, Revised February 27, 2020, Latest Revision November 20, 2024

FOR TOWN OFFICE USE ONLY

Permit # _____ is issued on __, 20__ Approved by

This permit will expire on _____ 20__

Any work remaining unfinished after the above expiration date shall be completed by the Town of Conway at the Applicant/Contractor's expense.

Property location: _____ Tax Map & Lot _____

For the following project: _____

Residential Access Commercial Access Other (specify): _____

Excavation Type: Open Cut Other: _____

Excavation Size: _____ Width _____ Length _____ Sq. Ft. _____ Depth _____

Total Sq. Ft. of Pavement Affected: _____ Total Sq. Ft. of Infrastructure Affected: _____

Purpose of Excavation: Water Sewer Drainage Gas Electric Telephone Other: _____

Type of Work: New Construction Alteration Repair/Replace

Agreement: I/we agree with the conditions and provisions set forth in this permit and by signing this application I/we authorize the Town of Conway and its representatives to enter on the property to perform whatever inspections, testing and measurements necessary to administer compliance with the permit:

Applicant: _____

Property Owner/Authorized Agent _____

E-mail: _____ Phone #: _____

Mailing Address: _____

Signature: _____ Date: _____

Contractor: _____

E-mail: _____ Phone #: _____

Mailing Address: _____

Signature: _____ Date: _____

I, _____ on behalf of _____ (Company Name) hereby agree to the above conditions and provisions set forth in this permit and that the work for this project will be performed in accordance with OSHA standards.

Date: _____

Contractor's Signature

G. FOR TOWN OFFICE USE ONLY

PLAN VIEW (NTS)

Shows existing and proposed roads and drainage structures

PROFILE (NTS)

a. CULVERT

Length _____ Diameter _____

Flow calculations for culvert size required? Yes _____ No _____

NA _____ Other _____

FINAL INSPECTION

Site Inspection - post construction conducted by _____ Date _____

Installation approved _____ Disapproved _____ Release deposit: _____ Y
_____ N

Signed _____ Title _____

Appendix C
Town of Conway
Sewer Department

128 West Main Street, Conway, NH 03818

Phone: 447-5470 Fax: 447-3271

This Institution is an Equal Opportunity Provider

485-A WAIVER REQUEST

Property Owner's name _____

Map/Lot number _____

Property's Physical Address _____ Conway, NH 03818

Septic Designer's Name _____

Permit Number _____ Year installed _____

485-A:41 Rulemaking; Duties of the Commissioner. – The commissioner shall:

I. Exercise general supervision over the administration and enforcement of this subdivision.

II. Employ necessary personnel.

III. Prohibit construction of systems which would pollute the surface waters or groundwaters of the state, until an acceptable and practicable method exists which will prevent the pollution.

IV. Adopt rules, pursuant to RSA 541-A and after public hearing, relative to the implementation of this subdivision. The commissioner shall adopt rules relative to the circumstances under which the commissioner may grant a waiver of any rule, except that no waivers of rules relating to site loading or set-back distances to ground or surface waters shall be allowed for sewage or waste disposal systems on lots in subdivisions created after September 1, 1989. A waiver must be consistent with the intent of this subdivision and have a just result. In particular, an encroachment waiver shall meet the following criteria:

(a) The proposed waiver shall not encroach upon the right of the owner of abutting property to fully utilize his land, unless said property owner has granted consent in the form of a signed waiver or deeded easement; and

(b) Denial of the waiver would result in unnecessary hardship to the owner due to special characteristics of the property.

V. Adopt rules relative to the application for and granting of permits by rule for repair or replacement of certain sewage or waste disposal systems under RSA 485-A:33, IV. **Source.** 1989, 339:1. 1996, 228:82, 110. 2012, 174:3, eff. June 11, 2012.

Required Information: (Use additional pages if necessary and attach back up calculations and data)

1. Reason Waiver is necessary
2. Rule/section for which waiver is being sought:
Number: ENV-WS _____ Rule/section requirement _____
3. Explanation of alternative sought by waiver
4. Full explanation of how granting of requested waiver is consistent with the intent of RSA485-A (to view RSA 485 in its entirety, go to <http://www.gencourt.state.nh.us/rsa/html/L/485-A/485-A-mrg.htm>)
5. Demonstrate how the alternative proposed are at least equivalent to the specific requirements contained in the rule from Env- Wq 1001.02
6. System must be inspected by a certified inspector at the property owner's expense before waiver is granted. A copy of the Certified Inspection will be required.

I attest that all information provided is true and accurate to the best of my knowledge

Signature of Property owner _____ Date _____

By signing below, Town of Conway (system owner) acknowledges agreement and consent to this waiver. On behalf of BOS _____ Date _____

Town of Conway
Sewer Department
Sewer Usage Abatement Request
128 West Main Street Conway, NH 03818
Phone: 603-447-5470; Fax: 603-447-3271
This Institution is an Equal Opportunity Provider

Abatement Policy: It shall be the policy of the Town of Conway to abate sewer usage for customers who suffer an extreme leak that causes an excessive amount of water to flow through their water meter but that in no way enters the Town of Conway Sewer system. Please refer to the complete policy.

Date _____ Account Number _____

Property Owner Name _____

Contact Phone Number _____

Address Where Incident Occurred _____

Mailing Address If Different _____

Date First Reported to the Town Sewer Department _____

Are you filing an insurance claim for damages ____ Yes ____ No

If yes, with which Insurance Company (name and phone number)

Please provide a detailed description of the incident, attach any documentation and pictures verifying incident as well as any additional comments (if more room is needed, please attach additional sheets) _____

Abatement amount requested \$ _____

The filing of this request does not relieve the customer of their water/sewer bill. It should be paid as billed. Adjustments to account will be applied as a credit if abatement is approved.

All request will be reviewed by the Board of Selectmen, abatements are granted upon the Board's approval.

FOR OFFICE USE ONLY

Approval Date _____

_____ *Approval Signature*

Appendix E
Town of Conway
Water & Sewer Department
128 West Main Street Conway, NH 03818
Phone: 447-5470; Fax: 447-3271
This Institution is an Equal Opportunity Provider

AUTHORIZATION TO SEND A DUPLICATE BILL

_____/_____
ACCOUNT NUMBER

I/We, _____
Property owners' name

owner of _____
Street address of property

request that a duplicate water and/or sewer bill be sent to my tenant(s),

Name of tenant(s)

starting with the next billing cycle.

Tenants' Mailing address _____

Tenants' phone number _____

Owner's phone number _____

Owner's signature _____ Date _____

Note: Signing this contract indicates acceptance of the terms and conditions appearing within the Town of Conway Water and Sewer Rules and Regulations and in no way relieves the property owner of the responsibility for the water/sewer service of the property.

Appendix E
TOWN OF CONWAY
WATER & SEWER DEPARTMENT
Template for Closing (transfer of ownership)

Seller's name _____

Physical address of home being sold _____

Closing date _____

Date house will be vacated by current owner if known _____

Buyer's name _____

Buyer's phone number _____

Will this be buyer's primary residence: Primary ___ Secondary ___ Unknown ___

Below is for billing purposes in order to set up new account.

If secondary home, buyers mailing address _____

If primary, new mailing address if known _____
