

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR NEW HAMPSHIRE MEDIUM WASTEWATER TREATMENT FACILITIES ("NH Medium WWTF GP")

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §§ 1251 et seq.; the "CWA"), owners and operators of eligible WWTFs located in New Hampshire are authorized to discharge to all Class B waters, unless otherwise restricted, in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

Certain municipalities are also identified as Co-permittees related to operation and maintenance of the sewer system in compliance with the Standard Conditions of Part V and the terms and conditions of Part II.B, Unauthorized Discharges; Part II.C, Operation and Maintenance of the Sewer System (which include conditions regarding the operation and maintenance of the collection systems owned and operated by the municipality); and Part II.D, Alternate Power Source. Each Co-permittee is listed in Attachment E of this General Permit.

The Permittee and Co-permittee are severally liable for their own activities under Parts II.B, II.C and II.D and required reporting under Part II.J with respect to the portions of the collection system that they own or operate. They are not liable for violations of Parts II.B, II.C and II.D committed by others relative to the portions of the collection system owned and operated by others. Nor are they responsible for any reporting under Part II.J that is required of other Permittees under Parts II.B, II.C and II.D.

This General Permit shall become effective on the first day of the calendar month immediately following 60 days after signature.

This General Permit and the authorization to discharge shall expire at midnight, five (5) years from the last day of the month preceding the effective date.

Signed this day of

Ken Moraff, Director
Water Division
Environmental Protection Agency
Region 1
Boston, MA

The following documents are separate attachments to the NH Medium WWTF General Permit:

Part VII – Standard Conditions

Attachment A – Freshwater Acute Toxicity Test Procedure and Protocol, February 2011

Attachment B – Freshwater Chronic Toxicity Test Procedure and Protocol, March 2013

Attachment C – Marine Acute Toxicity Test Procedure and Protocol, July 2012

Attachment D – Marine Chronic Toxicity Test Procedure and Protocol, November 2013

Attachment E – List of Eligible Facilities and Facility-Specific Requirements

Attachment F – Reassessment of Technically Based Industrial Discharge Limits

Attachment G – Industrial Pretreatment Program Annual Report

Attachment H – PFAS Analyte List

Attachment I – List for Pollutant Scans

I. Applicability and Coverage of the NH Medium WWTF General Permit

A. Eligible Discharges

Coverage under the New Hampshire Medium Wastewater Treatment Facility General Permit (“NH Medium WWTF GP”) is available to all privately and publicly owned treatment works treating domestic sewage in New Hampshire, unless excluded in Part I.C below. Wastewater treatment facilities (WWTFs) includes publicly owned treatment works (POTWs) and other treatment works that treat domestic sewage (collectively referred to as “wastewater treatment facilities”, “facilities” or “WWTFs”). All eligible discharges in New Hampshire are listed in Attachment E of this General Permit.

B. Geographic Coverage Area

Facilities authorized by the NH Medium WWTF GP (NPDES Permit No. NHG590000) for discharges in New Hampshire, may discharge to all Class B waters of the State, except as provided in Part I.C. of this General Permit, unless otherwise restricted by New Hampshire Title L, Water Management and Protection, Chapter 485-A:8 and the New Hampshire Code of Administrative Rules, Env-Wq 1700-1709 (or as revised).

C. Limitations on Coverage

The following dischargers are ineligible for coverage under this General Permit:

1. Any facility that is not defined as a POTW or a treatment works treating domestic sewage, as defined at 40 CFR § 403.3 and 40 CFR § 122.2, respectively;
2. Any facility with design flow less than 1 MGD or greater than 5 MGD.
3. Any facility that does not provide, at a minimum, secondary treatment to the discharge;
4. Any facility that discharges to a Class A receiving water;
5. Any facility with one or more active, designated Combined Sewer Overflow (CSO) outfalls;
6. Any “New Source” as defined in 40 CFR § 122.

II. GENERAL PERMIT REQUIREMENTS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through the expiration date, the Permittee is authorized to discharge treated effluent from a wastewater treatment facility (WWTF) treating domestic sewage. The discharge shall be limited and monitored as specified below at the end of all treatment processes, including disinfection or dechlorination, or at an alternative representative location approved by EPA and the New Hampshire Department of Environmental Services (NHDES), that provides a representative sample of the effluent. The receiving water and the influent shall be monitored as specified below.

Effluent Characteristic Parameter	Discharge Limitation ¹⁵			Monitoring Requirement ^{1,2,3}	
	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type ⁴
Effluent Flow ⁵	Rolling Annual Average Limit MGD	---	---	Continuous	Recorder
Effluent Flow ⁵	Report MGD	---	Report MGD	Continuous	Recorder
BOD ₅ ⁷	30 mg/L Limit ⁶ lb/day	45 mg/L Limit ⁶ lb/day	50 mg/L Report lb/day	2/Week	Composite
CBOD ₅ ⁷	25 mg/L Limit ⁶ lb/day	40 mg/L Limit ⁶ lb/day	45 mg/L Report lb/day	2/Week	Composite
BOD ₅ (or CBOD ₅ ⁷) Removal	≥ 85 %	---	---	1/Month	Calculation
TSS	30 mg/L Limit ⁶ lb/day	45 mg/L Limit ⁶ lb/day	50 mg/L Report lb/day	2/Week	Composite
TSS Removal	≥ 85 %	---	---	1/Month	Calculation
pH Range ⁸	6.5-8.0 S.U.			1/Day	Grab
<i>Escherichia coli</i> ⁹ Freshwater	126/100 mL	---	406/100 mL	3/Week	Grab
<i>Enterococci</i> ⁹ Tidal waters used for swimming	35/100 mL	---	104/100 mL	1/Day	Grab

Effluent Characteristic	Discharge Limitation ¹⁵			Monitoring Requirement ^{1,2,3}		
	Parameter	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type ⁴
Fecal Coliform ^{9,10} Tidal waters used for shellfishing	14/100 mL	---	---	---	1/Day	Grab
Fecal Coliform ^{9,10} Tidal waters used for shellfishing (% of samples > 28/100 mL)	---	---	---	≤ 10%	1/Day	Grab
Total Residual Chlorine ¹¹	Limit mg/L	---	---	Limit mg/L	1/Day ¹¹	Grab
Total Metals ¹²	Limit mg/L	---	---	Limit mg/L	2/Month	Composite
Total Phosphorus ^{12,22} <i>(freshwater only; April 1 through October 31)</i>	Limit lb/day	---	---	---	2/Month	Composite
Ammonia Nitrogen ¹² <i>(specify season)</i>	Limit mg/L	---	---	Limit mg/L	2/Week	Composite
Total Kjeldahl Nitrogen ¹³ (April 1 to October 31) (November 1 to March 31)	Report mg/L Report mg/L	---	---	---	1/Week ¹³ 1/Month ¹³	Composite Composite
Nitrate + Nitrite ¹³ (April 1 to October 31) (November 1 to March 31)	Report mg/L Report mg/L	---	---	---	1/Week ¹³ 1/Month ¹³	Composite Composite
Total Nitrogen ¹³	Report mg/L Report lb/day	---	---	---	1/Month ¹³	Calculation
Rolling Average Total Nitrogen ¹³	Limit lb/day	---	---	---	1/Month	Calculation
PFAS Analytes ¹⁴	---	---	---	Report ng/L	1/Quarter	Grab
Adsorbable Organic Fluorine ¹⁵	---	---	---	Report ng/L	1/Quarter	Grab
Other ¹⁶	Limit	---	---	Limit	Varies	Composite
Pollutant Scan ¹⁷	---	---	---	Report mg/L	1/Year	Composite

Effluent Characteristic	Discharge Limitation ¹⁵			Monitoring Requirement ^{1,2,3}	
	Parameter	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency
Whole Effluent Toxicity (WET) Testing^{18,19}					
Dilution Factor (DF) ≥ 1 and < 10					
LC ₅₀	---	---	≥ 100%	4/Year	Composite
C-NOEC	---	---	≥ (1/DF) x 100%	4/Year	Composite
Dilution Factor ≥ 10 and < 20					
LC ₅₀	---	---	≥ 100%	4/Year	Composite
C-NOEC	---	---	Report %	4/Year	Composite
Dilution Factor ≥ 20 and < 100					
LC ₅₀	---	---	≥ 100%	4/Year	Composite
Dilution Factor ≥ 100 and < 1,000					
LC ₅₀	---	---	≥ 50%	2/Year	Composite
Hardness (as CaCO ₃) (freshwater only)	---	---	Report mg/L	Same as WET Measurement Frequency and Sample Type	
Ammonia Nitrogen	---	---	Report mg/L		
Total Aluminum (freshwater only)	---	---	Report mg/L		
Total Cadmium	---	---	Report mg/L		
Total Copper	---	---	Report mg/L		
Total Lead	---	---	Report mg/L		
Total Nickel	---	---	Report mg/L		
Total Zinc	---	---	Report mg/L		
Total Organic Carbon	---	---	Report mg/L		

Ambient Characteristic ²⁰	Reporting Requirements			Monitoring Requirements ^{1,2,3}	
	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type ⁴
Hardness (freshwater only)	---	---	Report mg/L	Same as WET Monitoring Frequency	Grab
Salinity (marine only)	---	---	Report ppt		Grab
Ammonia Nitrogen	---	---	Report mg/L		Grab
Total Aluminum (freshwater only)	---	---	Report mg/L		Grab
Total Cadmium	---	---	Report mg/L		Grab
Total Copper	---	---	Report mg/L		Grab
Total Nickel	---	---	Report mg/L		Grab
Total Lead	---	---	Report mg/L		Grab
Total Zinc	---	---	Report mg/L		Grab
Total Organic Carbon	---	---	Report mg/L		Grab
Dissolved Organic Carbon ²¹ (freshwater only)	---	---	Report mg/L		Grab
pH ²²	---	---	Report S.U.		Grab
Temperature ²²	---	---	Report °C		Grab
Total Phosphorus ²³ (freshwater only; <i>April 1 to October 31</i>)	---	---	Report mg/L	1/Month	Grab
Pollutant Scan ¹⁷	---	---	Report mg/L	1/Year	Grab
Aesthetics ²⁴ (DMR Attachment)	---	---	Report	1/Month	Observation
Benthic Survey ²⁵ (DMR Attachment)	---	---	Report	Once	Grab

Influent Characteristic	Reporting Requirements			Monitoring Requirements ^{1,2,3}	
	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type ⁴
BOD ₅ or CBOD ₅ ⁷	Report mg/L	---	---	2/Month	Composite
TSS	Report mg/L	---	---	2/Month	Composite
PFAS Analytes ¹⁴	---	---	Report ng/L	1/Quarter	Grab
Adsorbable Organic Fluorine ¹⁴	---	---	Report ng/L	1/Quarter	Grab

Sludge Characteristic	Reporting Requirements			Monitoring Requirements ^{1,2,3}	
	Average Monthly	Average Weekly	Maximum Daily	Measurement Frequency	Sample Type ⁴
PFAS Analytes ¹⁴	---	---	Report ng/g	1/Quarter ¹⁴	Grab ²⁶

Footnotes:

1. All samples shall be collected in a manner to yield representative data. A routine sampling program shall be developed in which samples are taken at the same location, same time and same days of the week each month. Occasional deviations from the routine sampling program are allowed, but the reason for the deviation shall be documented as an electronic attachment to the applicable discharge monitoring report. The Permittee shall report the results to the Environmental Protection Agency Region 1 (EPA) and NHDES (“the State”) of any additional testing above that required herein, if testing is in accordance with 40 CFR Part 136.
2. In accordance with 40 CFR § 122.44(i)(1)(iv), the Permittee shall monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is “sufficiently sensitive” when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term “minimum level” refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

When a parameter is not detected above the ML, the Permittee must report the data qualifier signifying less than the ML for that parameter (e.g., < 50 µg/L, if the ML for a parameter is 50 µg/L). For reporting an average based on a mix of values detected and not detected, assign a value of “0” to all non-detects for that reporting period and report the average of all the results.

3. Measurement frequency and sample type presented in this table are for all facilities other than systems utilizing lagoons. For facilities utilizing lagoons (*i.e.*, Lincoln WWTP, Ashland WWTF, Derry WWTP, Lancaster WWTF, Charlestown WWTP and Newport WWTF [only until September 30, 2026]), sample type for all effluent monitoring shall be Grab instead of Composite and any differences in sample frequency are specified in the table below.

Effluent Characteristic	Monitoring Frequency
BOD ₅	1/Week
CBOD ₅	1/Week
TSS	1/Week
Ammonia Nitrogen	1/Week
<i>Escherichia coli</i>	2/Week

4. A “grab” sample is an individual sample collected in a period of less than 15 minutes.

A “composite” sample is a composite of at least twenty-four (24) grab samples taken during one consecutive 24-hour period, either collected at equal intervals and combined proportional to flow or continuously collected proportional to flow.

5. The limit is a rolling annual average, reported in million gallons per day (MGD), which will be calculated as the arithmetic mean of the monthly average flow for the reporting month and the monthly average flows of the previous eleven months. Also report monthly average and maximum daily flow in MGD.

For the Ashland WWTF only: Annual maintenance is performed at the hydropower facilities upstream of Ashland’s outfall, typically during late June or early July, and requires a reduction in the flow released from the Squam Lake Dam, upstream of the discharge, to less than 26 cfs. During these periods, and at any other time throughout the year that the flow in the river is less than 26 cfs, and for five days following return to flows greater than 26 cfs, Ashland may not discharge flow from Outfall 001 into the Squam River. This is discussed in more detail at Part II.H.5.

6. The average monthly and average weekly BOD₅ (or CBOD₅) and TSS mass limitations are specific to each discharge, and are calculated using the following equation:

$$\text{Mass limitation (lb/day)} = [\text{concentration limit (mg/L)} * \text{facility's design flow (MGD)} * 8.34]$$

The Merrimack WWTF has unique BOD₅ and TSS load-only limits shown in Attachment E.

7. The CBOD₅ limitations apply in lieu of BOD₅ limitations if already included in a facility’s existing permit. This only applies to Jaffrey, Milford, Derry, Allenstown, Claremont and Hanover.
8. The pH shall be within the specified range at all times. The minimum and maximum pH sample measurement values for the month shall be reported in standard units (S.U.).

See Part II.H.1 below for a provision to modify the pH range.

9. *E. coli* limits apply only to facilities discharging to freshwater (*i.e.*, all eligible dischargers except Seabrook WWTP, Leavitt E. Magrath WWTP, Durham WWTF and Dover WWTF).

Enterococci and Fecal Coliform limits apply only to facilities discharging to tidal waters, (*i.e.*, only Seabrook WWTP, Leavitt E. Magrath WWTP, Durham WWTF and Dover WWTF).

Bacteria monitoring shall be conducted concurrently with TRC monitoring, if TRC monitoring is required. The monthly average limits for bacteria are expressed as a geometric mean.

For samples tested using the Most Probable Number (MPN) method, the units may be expressed as MPN. The units may also be expressed as colony forming units (cfu) when using the Membrane Filtration method.

10. The average monthly values for fecal coliform shall be determined by calculating the geometric mean using daily sample results. As a daily maximum, not more than 10 percent of collected samples (over a monthly period) shall exceed a Most Probable Number (MPN) of 28 per 100 mL. Each month the percentage of collected samples that exceeds an MPN of 28 per 100 mL shall be reported at the Daily Maximum value. Furthermore, all Fecal Coliform data collected must be submitted with the monthly Discharge Monitoring Reports (DMRs).
11. The Permittee shall minimize the use of chlorine while maintaining adequate bacterial control. Monitoring for total residual chlorine (TRC) is only required for discharges which have been previously chlorinated or which contain residual chlorine. If chlorine is not utilized during a particular monitoring period, TRC monitoring is not necessary and the Permittee may enter "NODI" code 9 (i.e., conditional monitoring) in the relevant discharge monitoring report. For any permit limits below 30 µg/L, the compliance level for TRC is 30 µg/L.

Chlorination and dechlorination systems shall include an alarm system for indicating system interruptions or malfunctions. Any interruption or malfunction of the chlorine dosing system that may have resulted in levels of chlorine that were inadequate for achieving effective disinfection, or interruptions or malfunctions of the dechlorination system that may have resulted in excessive levels of chlorine in the final effluent shall be reported with the monthly DMRs. The report shall include the date and time of the interruption or malfunction, the nature of the problem, and the estimated amount of time that the reduced levels of chlorine or dechlorination chemicals occurred.

The monitoring frequency for discharges into marine waters (*i.e.*, only Seabrook WWTP, Leavitt E. Magrath WWTP, Durham WWTF and Dover WWTF) is 2/Day.

12. Limitations, if necessary, for ammonia nitrogen (seasonal in warm and/or cold weather), total phosphorus (seasonal during the growing season only; freshwater only), and/or total metals (year-round) that are established or made more stringent for each Permittee are summarized in Attachment E.

See Part II.H.4 below for compliance schedules applicable to some of these limits.

13. Total Kjeldahl nitrogen (TKN) and nitrate + nitrite samples shall be collected concurrently. For lagoon facilities (*i.e.*, Lincoln WWTP, Ashland WWTF, Derry WWTP, Lancaster WWTF, Charlestown WWTP and Newport WWTF [only until September 30, 2026]), monitoring frequency for TKN and nitrate + nitrite shall be once per quarter. The results of these analyses shall be used to calculate both the concentration and mass loadings of total nitrogen, as follows.

Total Nitrogen (mg/L) = Total Kjeldahl Nitrogen (mg/L) + Nitrate + Nitrite (mg/L)

Total Nitrogen (lb/day) = [(average monthly Total Nitrogen (mg/L) * total monthly effluent flow (Millions of Gallons (MG)) / # of days in the month] * 8.34

For facilities with a rolling annual total nitrogen limit, the limit is an annual average mass-based limit (lb/day), which shall be reported as a rolling 12-month average. The value will be calculated as the arithmetic mean of the monthly average total nitrogen for the reporting month and the monthly average total nitrogen for the previous 11 months. Report both the rolling annual average and the monthly average each month.

For facilities discharging to the Long Island Sound watershed (*i.e.*, Claremont, Newport, Littleton, Lancaster, Lebanon, Hanover and Charlestown), see optimization requirements in Part II.H.3 of this permit.

See Part II.H.4 below for compliance schedules applicable to the TN limit for Hanover.

For facilities covered by the Great Bay Total Nitrogen General Permit (permit number NHG58A000; *i.e.*, Durham, Somersworth and Dover), these monitoring requirements do not apply.

14. Report in nanograms per liter (ng/L) for effluent and influent samples; report nanograms per gram (ng/g) for sludge samples. Until there is an analytical method approved in 40 CFR Part 136 for PFAS, monitoring shall be conducted using Method 1633. Report in NetDMR the results of all PFAS analytes required to be tested in Method 1633, as shown in Attachment H. This reporting requirement for the listed PFAS parameters takes effect the first full calendar quarter following six months after the effective date of the authorization. For Newport, this requirement takes effect in the calendar quarter beginning October 1, 2026.

Monitoring and reporting for PFAS in the sludge of lagoon facilities (*i.e.*, Lincoln WWTP, Ashland WWTF, Derry WWTP, Lancaster WWTF and Charlestown WWTP) shall be done once per permit term, in the first full 3rd calendar quarter following 6 months after the effective date of the authorization. This sampling shall include at least one representative sample per individual lagoon cell. Permittee shall submit a sampling plan to the NHDES Residual Management Section for review and approval at least 30 days prior to sampling.

15. Report in nanograms per liter (ng/L) for effluent and influent samples. Until there is an analytical method approved in 40 CFR Part 136 for Adsorbable Organic Fluorine, monitoring shall be conducted using Method 1621. This reporting requirement takes effect the first full calendar quarter following six months after the effective date of the authorization.

16. Any existing limits in a facility's current NPDES permit that are more stringent than the limitations presented in this table will be included in that facility's authorization to discharge under the General Permit.
17. During the third calendar quarter of each year, the Permittee shall concurrently monitor both the effluent and the receiving water (immediately upstream/upgradient of the discharge) for all the pollutants listed in Attachment I. All effluent and ambient results shall be reported in NetDMR for the quarterly DMR report due by October 15 of each year.
18. Based on the dilution factor range (see dilution factor for each WWTF in Attachment E), the Permittee shall conduct acute toxicity tests (LC50) and chronic toxicity tests (C-NOEC) in accordance with test procedures and protocols specified in **Attachments A and B** (for freshwater discharges) or **Attachments C and D** (for marine discharges) of this permit. LC50 and C-NOEC are defined in Part VIII.E. of this permit. The Permittee shall test the daphnid (*Ceriodaphnia dubia*) and the fathead minnow (*Pimephales promelas*) if discharging to freshwater or the mysid shrimp (*Mysidopsis bahia*) and the inland silverside (*Menidia beryllina*) if discharging to marine waters; for facilities discharging to marine waters with a dilution factor below 20, a third species is required: the sea urchin (*Arbacia punctulata*). For Permittees with a dilution factor of 100 or greater and that are currently authorized for a reduction in frequency, this reduction will be carried forward in the authorization to discharge under this General Permit. For facilities required to test once per quarter, toxicity test samples shall be collected during the same weeks each time of calendar quarters ending March 31st, June 30th, September 30th, and December 31st. For facilities required to test twice per year, toxicity test samples shall be collected during the same weeks each time of calendar quarters ending June 30th and September 30th. For facilities required to test once per year, toxicity test samples shall be collected during the same weeks each time of calendar quarter ending September 30th. The complete report for each toxicity test shall be submitted as an attachment to the DMR submittal which includes the results for that toxicity test.

If the results indicate a violation of any toxicity limit or if the Permittee identifies or is provided notice of a sudden and significant death of large numbers of fish and/or shellfish in the vicinity of the discharge, the Permittee shall follow the procedures described in Part II.H.5 below.

19. For Part II.A.1., Whole Effluent Toxicity Testing, the Permittee shall conduct the analyses specified in **Attachments A and B** (for freshwater discharges) or **Attachments C and D** (for marine discharges), Part VI. CHEMICAL ANALYSIS for the effluent sample. If toxicity test(s) using the receiving water as diluent show the receiving water to be toxic or unreliable, the Permittee shall follow procedures outlined in **Attachments A and B** (for freshwater discharges) or **Attachments C and D** (for marine discharges), Part IV., DILUTION WATER. Minimum levels and test methods are specified in **Attachment A and B** (for freshwater discharges) or **Attachments C and D** (for marine discharges), Part VI. CHEMICAL ANALYSIS.

20. For Part II.A.1., Ambient Characteristic, the Permittee shall conduct the analyses specified in **Attachments A and B** (for freshwater discharges) or **Attachments C and D** (for marine discharges), Part VI. CHEMICAL ANALYSIS for the receiving water sample collected as part of the WET testing requirements. Such samples shall be taken from the receiving water at a point immediately upstream (for freshwater discharges) or outside (for marine discharges) of the permitted discharge's zone of influence at a reasonably accessible location, as specified in **Attachments A and B** (for freshwater discharges) or **Attachments C and D** (for marine discharges). Minimum levels and test methods are specified in **Attachment A and B** (for freshwater discharges) or **Attachments C and D** (for marine discharges), Part VI. CHEMICAL ANALYSIS.
21. Monitoring and reporting for dissolved organic carbon (DOC) are not requirements of the Whole Effluent Toxicity (WET) tests but are additional requirements. The Permittee may analyze the WET samples for DOC or may collect separate samples for DOC concurrently with WET sampling.
22. A pH and temperature measurement shall be taken of each receiving water sample at the time of collection and the results reported on the appropriate DMR. These pH and temperature measurements are independent from any pH and temperature measurements required by the WET testing protocols.
23. For Permittees discharging to freshwater with a dilution factor above 1.1 and below 100, as well as Penacook, Hooksett and Allenstown, effluent and ambient phosphorus monitoring is required. See Part II.H.2 below for details regarding the ambient monitoring requirement and a list of applicable facilities.
24. Once per month, the Permittee shall conduct a visual inspection of the receiving water in the vicinity of the outfall and report any changes in the receiving water that may be caused by the discharge as follows:
- a) any observable change in odor,
 - b) any visible change in color,
 - c) any visible change in turbidity,
 - d) the presence or absence of any visible floating materials, scum or foam,
 - e) the presence or absence of any visible settleable solids,
 - f) the presence or absence of any visible film or sheen on the surface of the water.

The Permittee shall also report any complaints it receives from the public regarding the taste and/or odor of the receiving water and document what remedial actions, if any, it took to address such complaints.

The results do not need to be submitted each month. Rather, an annual summary of all 12 monthly results shall be submitted as an electronic attachment to the December DMR by each January 15th for the previous calendar year.

If an oily sheen is observed on the surface of the water in the vicinity of the outfall during the monthly visual inspection, the Permittee shall follow the procedures described in Part II.H.5 below.

25. During the third calendar quarter (*i.e.*, July through September) that begins at least 12 months after the effective date of the permit, a benthic survey shall be conducted for facilities with a dilution factor below 100 once per permit term to assess impacts from the discharge on aquatic life in the benthic environment. See Part II.H.6 for more details.
26. Sludge sampling shall be as representative as possible based on guidance found at <https://www.epa.gov/sites/production/files/2018-11/documents/potw-sludge-sampling-guidance-document.pdf>.

Part II.A., continued.

2. Permittees that do not have an Industrial Pretreatment Program (IPP) must provide adequate notice to EPA-Region 1 and the State of the following:
 - a. Any new introduction of pollutants into the POTW or facility from an indirect discharger which would be subject to Part 301 or Part 306 of the Clean Water Act if it were directly discharging those pollutants or in a primary industry category (see 40 CFR Part 122 Appendix A as amended) discharging process water; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that POTW or facility by a source introducing pollutants into the POTW or facility at the time of issuance of the permit.
 - c. For purposes of this paragraph, adequate notice shall include information on:
 - (1) The quantity and quality of effluent introduced into the POTW or facility; and
 - (2) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW or facility.
3. Pollutants introduced into the POTW or facility by a non-domestic source (user) shall not pass through the POTW or facility or interfere with the operation or performance of the works.

B. UNAUTHORIZED DISCHARGES

1. This permit authorizes discharges only from the outfall listed in the authorization in accordance with the terms and conditions of this permit. Any pollutant loading greater than the proposed discharge (the “proposed discharge” is based on the chemical-specific data and the facility’s design flow as described in the permit application, or any other information provided to EPA during the permitting process) is not authorized by this permit. See notification requirements in Part II.A.2 (if applicable) and Part VII.D.1.a. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs), are not authorized by this permit. The Permittee and Co-permittee(s) must provide verbal notification to EPA and the State within 24 hours of becoming aware of any unauthorized discharge and a report within 5 days, in accordance with Part V.D.1.e (24-hour reporting). See Part II.J below for reporting requirements.
2. The Permittee and Co-permittee(s) must provide notification to the public within 24 hours of becoming aware of any unauthorized discharge, except SSOs that do not impact a surface water or the public, on a publicly available website, and it shall remain on the website for a minimum of 12 months. Such notification shall include the location (including latitude and longitude) and description of the discharge; estimated volume;

the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue.

C. OPERATION AND MAINTENANCE OF THE TREATMENT AND CONTROL FACILITIES

1. Adaptation Planning

- a. *Adaptation Plan.* Within the timeframes described below, the Permittee and Co-permittee(s) shall develop an Adaptation Plan for the Wastewater Treatment System (WWTS)¹ and/or sewer system² that they own and operate. Additional information on the procedures and resources to aid permittees in development of the Adaptation Plan is provided on EPA's Region 1 NPDES website at <https://www.epa.gov/npdes-permits/npdes-water-permit-program-new-england>. The Adaptation Plan shall contain sufficient detail for EPA to evaluate the analyses.

Component 1: Identification of Vulnerable Critical Assets. Within 24 months of the effective date of the authorization, the Permittee and Co-permittee(s) shall develop and sign, consistent with the signatory requirements in Part V.D.2 of this Permit, an identification of critical assets³ and related operations⁴ within the WWTS and/or sewer system which they own and operate, as applicable, that are most vulnerable due to major storm and flood events⁵ under baseline conditions⁶ and under future conditions.⁷ This information shall be provided to

1 "Wastewater Treatment System" or "WWTS" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It does not include sewers, pipes and other conveyances to the wastewater treatment facility.

2 "Sewer System" refers to the sewers, pump stations, manholes and other infrastructure use to convey sewage to the wastewater treatment facility from homes or other sources.

3 A "critical asset" is an asset necessary to ensure the safe and continued operation of the WWTS or the sewer system and ensure the forward flow and treatment of wastewater in accordance with the limits set forth in this permit.

4 "Asset related operations" are elements of an asset that enable that asset to function. For example, pumps and power supply enable the operation of a pump station.

5 "Major storm and flood events" refer to instances resulting from major storms such as hurricanes, extreme/heavy precipitation events, and pluvial, fluvial, and flash flood events such as high-water events, storm surge, and high-tide flooding, including flooding caused by sea level change. "Extreme/heavy precipitation" refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal according to location and season.

6 "Baseline conditions" refers to the 100-year flood based on historical records.

7 "Future conditions" refers to projected flood elevations using one of two approaches: a) Climate Informed Science Approach (CISA): The elevation and flood hazard area that result from using the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science. These shall include both short term (10-25 years forward-looking) and long term (25-70 years forward-looking) relative to the baseline conditions and must include projections of flooding due to major storm and flood events using federal, state and local data, where available; b) Freeboard Value and 500-year floodplain Approach:

EPA upon request. For these critical assets and related operations, the Permittee and Co-permittee(s) shall assess the ability of each to function properly in the event of impacts⁸ from major storm and flood events in terms of effluent flow (e.g., bypass, upset or failure), sewer flow (e.g., overflow, inflow and infiltration), and discharges of pollutants (e.g., effluent limit exceedance).

*Component 2: Adaptive Measures Assessment.*⁹ Within 36 months of the effective date of the authorization, the Permittee and Co-Permittee(s) shall develop and sign, consistent with the signatory requirements in Part V.D.2 of this Permit, an assessment of adaptive measures,¹⁰ and/or, if appropriate, the combinations of adaptive measures that minimize the impact of future conditions on the critical assets and related operations of the WWTS and/or sewer system(s). This information shall be provided to EPA upon request. The Permittee and Co-permittee(s) shall identify the critical assets and related operations at the highest risk of not functioning properly under such conditions and, for those, select the most effective adaptation measures that will ensure proper operation of the highest risk critical assets and the system as a whole.

Component 3: Implementation and Maintenance Schedule. Within 48 months of the effective date of the authorization, the Permittee and Co-Permittee(s) shall submit to EPA a proposed schedule for implementation and maintenance of adaptive measures. The Implementation and Maintenance Schedule shall summarize the general types of significant risks¹¹ identified in Component 1, including the methodology and data used to derive future conditions¹² used in the analysis and describe the adaptive measures taken (or planned) to minimize

The flood elevations that result from adding an additional 2 feet to the 100-year flood elevation for non-critical actions and by adding an additional 3 feet to the 100-year flood elevation for critical actions compared to the flood elevations that result from 500-year flood (the 0.2% -annual-chance flood) and selecting the higher of the two flood elevations.

8 “Impacts” refers to a strong effect on an asset and/or asset-related operation that may include destruction, damage or ineffective operation of the asset and/or asset operation. Impacts may be economic, environmental, or public health related.

9 The Permittee and Co-permittee(s) may complete this component using EPA’s Climate Resilience Evaluation and Awareness Tool (CREAT) Risk Assessment Application for Water Utilities, found on EPA’s website Creating Resilient Water Utilities (CRWU) (<https://www.epa.gov/crwu>), or methodology that provides comparable analysis.

10 “Adaptive Measures” refers to physical infrastructure or actions and strategies that a utility can use to protect their assets and mitigate the impacts of threats. They may include but are not limited to: building or modifying infrastructure, utilization of models (including but not limited to: flood, sea-level rise and storm surge, sewer/collection system, system performance), monitoring and inspecting (including but not limited to: flood control, infrastructure, treatment) and repair/retrofit.

11 In light of security concerns posed by the public release of information regarding vulnerabilities to wastewater infrastructure, the Permittee shall provide information only at a level of generality that indicates the overall nature of the vulnerability but omitting specific information regarding such vulnerability that could pose a security risk.

12 See footnote 7.

those risks from the impact of major storm and flood events for each of the critical assets and related operations of the WWTS and the sewer system and how those adaptive measures will be maintained, including the rationale for either implementing or not implementing each adaptive measure that was assessed and an evaluation of how each adaptive measure taken (or planned) will be funded.

- b. *Credit for Prior Assessment(s) Completed by Permittee and/or Co-permittee(s).* If the Permittee and/or Co-permittee(s) has/have undertaken assessment(s) that were completed within 5 years of the effective date of this permit, or is [are] currently undertaking an assessment that address some or all of the Adaptation Plan components, such prior assessment(s) undertaken by the Permittee and/or Co-permittee(s) may be used (as long as the reporting time frames (set forth in Part II.C.1.a) and the signatory requirements (set forth in Part V.D.2 of this permit) are met) in satisfaction of some or all of these components, as long as the Permittee and/or Co-permittee(s) explains how its prior assessments specifically meet the requirements set forth in this permit and how the Permittee and/or Co-permittee(s) will address any permit requirements that have not been addressed in its prior or ongoing assessment(s).
- c. *Adaptation Plan Progress Report.* The Permittee and Co-Permittee(s) shall submit an Adaptation Plan Progress Report on the Adaptation Plan for the prior calendar year that documents progress made toward completing the Adaptation Plan and, following its completion, any progress made toward implementation of adaptive measures, and any changes to the WWTF or other assets that may impact the current risk assessment. The first Adaptation Progress Report is due the first March 31 following completion of the Identification of Critical Vulnerable Assets (*Component 1*) and shall be included with the annual report required in Part II.C.3 below each year thereafter. The Adaptation Plan shall be revised if on- or off-site structures are added, removed, or otherwise significantly changed in any way that will impact the vulnerability of the WWTS or sewer system.

2. Sewer System

Operation and maintenance (O&M) of the sewer system shall be in compliance with 40 CFR § 122.41 (d) and (e) and the terms and conditions of the Part II Standard Conditions, B. Operation and Maintenance of Pollution Controls which is attached to this Permit. The Permittee and Co-permittee shall complete the following activities for the collection system which it owns:

- a. Maintenance Staff

The Permittee and Co-permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. Provisions to meet this requirement shall be described in the Sewer System O&M Plan required pursuant to Part II.C.2.e. below.

b. Preventive Maintenance Program

The Permittee and Co-permittee shall maintain an ongoing preventive maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges. Plans and programs to meet this requirement shall be described in the Sewer System O&M Plan required pursuant to Part II.C.2.e. below.

c. Infiltration/Inflow

The Permittee and Co-permittee shall control infiltration and inflow (I/I) into the sewer system as necessary to prevent high flow related unauthorized discharges from their collection systems and high flow related violations of the wastewater treatment plant's effluent limitations. Plans and programs to control I/I shall be described in the Sewer System O&M Plan required pursuant to Part II.C.2.e. below.

d. Sewer System Mapping

The Permittee and Co-permittee(s) that have not already prepared and submitted a collection system map (*i.e.*, only Durham, Dover, Somersworth, and Jaffrey) shall prepare a map of the sewer collection system they own by 30 months from the effective date of the authorization under this General Permit. The Permittee(s) and Co-permittee(s) that have already prepared and submitted a collection system map (*i.e.*, all dischargers except Durham, Dover, Somersworth, and Jaffrey) shall continue to maintain a map of the sewer collection system they own. The map shall be on a street map of the community, with sufficient detail and at a scale to allow easy interpretation. The collection system information shown on the map shall be based on current conditions and shall be kept up-to-date and available for review by federal, state, or local agencies upon request. Such map(s) shall include, but not be limited to the following:

- (1) All sanitary sewer lines and related manholes;
- (2) All combined sewer lines, related manholes, and catch basins;
- (3) All combined sewer regulators and any known or suspected connections

between the sanitary sewer and storm drain systems (*e.g.*, combination manholes);

- (4) All outfalls, including the treatment plant outfall(s), CSOs, and any known or suspected SSOs, including stormwater outfalls that are connected to combination manholes;
- (5) All pump stations and force mains;
- (6) The wastewater treatment facility(ies);
- (7) All surface waters (labeled);
- (8) Other major appurtenances such as inverted siphons and air release valves;
- (9) A numbering system which uniquely identifies manholes, catch basins, overflow points, regulators and outfalls;
- (10) Interconnections with collection systems owned by other entities;
- (11) The scale and a north arrow; and
- (12) To the extent feasible, the pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.

e. Sewer System Operation and Maintenance Plan

The Permittee and Co-permittee(s) that have not already prepared and submitted a Sewer System O&M Plan (*i.e.*, only Durham, Dover, Somersworth, and Jaffrey) shall develop and implement a Sewer System O&M Plan in accordance with Parts (1) and (2) below.

- (1) Within 6 months from the effective date of the authorization under the General Permit, the Permittee and Co-permittee(s), if any, shall submit to EPA and the State (as an electronic attachment to the DMR):

- i. A description of the collection system management goals, staffing, information management, and legal authorities;
 - ii. A description of the collection system and the overall condition of the collection system including a list of all pump stations and a description of recent studies and construction activities; and
 - iii. A schedule for the development and implementation of the full *Sewer System Operation and Maintenance Plan* including the elements in Parts II.C.2.e.(2)(i) through (2)(viii) below.
- (2) The full Sewer System O&M Plan shall be completed, implemented and submitted to EPA and the State (as an electronic attachment to the DMR) by 24 months from the effective date of the authorization to discharge under the General Permit. The Plan shall include:
- i. The required submittal from Part II.C.2.e.(1) above, updated to reflect current information;
 - ii. A preventive maintenance and monitoring program for the collection system;
 - iii. Description of sufficient staffing necessary to properly operate and maintain the sanitary sewer collection system and how the operation and maintenance program is staffed;
 - iv. Description of funding, the source(s) of funding and provisions for funding sufficient for implementing the plan;
 - v. Identification of known and suspected overflows and back-ups, including manholes. A description of the cause of the identified overflows and back-ups, corrective actions taken, and a plan for addressing the overflows and back-ups consistent with the requirements of this permit;
 - vi. A description of the Permittee's programs for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include an inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts;
 - vii. An educational public outreach program for all aspects of I/I control, particularly private inflow; and

- viii. An Overflow Emergency Response Plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the permit.

The Permittee and Co-permittee(s) that have already prepared and submitted a Sewer System O&M Plan (*i.e.*, all dischargers except Durham, Dover, Somersworth, and Jaffrey) shall update and implement a Sewer System O&M Plan in accordance with Part (3) below. The plan shall be kept up-to-date and available for review by federal, state, or local agencies upon request.

(3) The Sewer System O&M Plan shall include:

- i. A description of the collection system management goals, staffing, information management, and legal authorities;
- ii. A description of the collection system and the overall condition of the collection system including a list of all pump stations and a description of recent studies and construction activities;
- iii. A preventive maintenance and monitoring program for the collection system;
- iv. Description of sufficient staffing necessary to properly operate and maintain the sanitary sewer collection system and how the operation and maintenance program is staffed;
- v. Description of funding, the source(s) of funding and provisions for funding sufficient for implementing the plan;
- vi. Identification of known and suspected overflows and back-ups, including manholes. A description of the cause of the identified overflows and back-ups, corrective actions taken, and a plan for addressing the overflows and back-ups consistent with the requirements of this permit;
- vii. A description of the Permittee's programs for preventing I/I related effluent violations and all unauthorized discharges of wastewater, including overflows and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include an inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts;
- viii. An educational public outreach program for all aspects of I/I control, particularly private inflow; and

- ix. An Overflow Emergency Response Plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the permit.

3. Annual Reporting Requirement

The Permittee and Co-permittee shall submit a summary report of activities related to the implementation of its O&M Plans during the previous calendar year. The report shall be submitted to EPA and the State annually by March 31 (as an electronic attachment to the DMR). If the Permittee or Co-permittee has not yet submitted an O&M Plan (*i.e.*, only Durham, Dover, Somersworth, and Jaffrey), the first annual report is due the first March 31 following submittal of the Sewer System O&M Plan required by Part II.C.2.e.(2) of this permit. The summary report shall, at a minimum, include:

- a. A description of the staffing levels maintained during the year;
- b. A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year;
- c. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- d. A map with areas identified for investigation/action in the coming year;
- e. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharges section of this permit;
- f. If the monthly average flow exceeded 80 percent of the facility's design flow for three consecutive months in the previous calendar year, or there have been capacity related overflows, the report shall include:
 - (1) Plans for further potential flow increases describing how the Permittee will maintain compliance with the flow limit and all other effluent limitations and conditions; and
 - (2) A calculation of the maximum daily, weekly, and monthly infiltration and the maximum daily, weekly, and monthly inflow for the reporting year.
- g. The Adaptation Plan Progress Report described in Part II.C.1.c above (beginning the first March 31 following 24 months from the effective date of the authorization).

D. ALTERNATE POWER SOURCE

In order to maintain compliance with the terms and conditions of this permit, the Permittee and Co-permittee shall provide an alternative power source(s) sufficient to operate the portion of the publicly owned treatment works it owns and operates, as defined in Part V.E.1 of this permit.

E. INDUSTRIAL USERS

The following requirements only apply to dischargers that are not required to conduct an Industrial Pretreatment Program (IPP). This section applies to all eligible WWTFs except Dover, Somersworth, Jaffrey, Milford, Derry, Merrimack and Claremont.

1. The Permittee shall submit to EPA and the State (for Penacook: and to the City of Concord) the name of any Industrial User (IU) subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N (Parts 405-415, 417-430, 432-447, 449-451, 454, 455, 457-461, 463-469, and 471 as amended) who commences discharge to the facility after the effective date of this permit.

This reporting requirement also applies to any other IU who is classified as a Significant Industrial User which discharges an average of 25,000 gallons per day or more of process wastewater into the facility (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the facility; or is designated as such by the Control Authority as defined in 40 CFR § 403.3(f) on the basis that the industrial user has a reasonable potential to adversely affect the wastewater treatment facility's operation, or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

2. In the event that the Permittee receives originals of reports (baseline monitoring reports, 90-day compliance reports, periodic reports on continued compliance, etc.) from industrial users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N (Parts 405-415, 417-430, 432-447, 449-451, 454, 455, 457-461, 463-469, and 471 as amended), or from a Significant Industrial User, the Permittee shall forward the originals of these reports within ninety (90) days of their receipt to EPA, and copy the State (for Penacook: and to the City of Concord).
3. In accordance with 40 CFR § 122.44(j)(1) the Permittee must identify, in terms of character and volume, any SIUs discharging into the POTW or facility subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR Part 403. SIUs information shall be updated at a minimum of once per year or at that frequency necessary to ensure that all SIUs are properly permitted and/or controlled. The records shall be maintained and updated as necessary.

4. Beginning the first full calendar year after the effective date of the permit, the Permittee shall conduct or require annual sampling of the following types of industrial discharges into the POTW:

- Commercial Car Washes
- Platers/Metal Finishers
- Paper and Packaging Manufacturers
- Tanneries and Leather/Fabric/Carpet Treaters
- Manufacturers of Parts with Polytetrafluoroethylene (PTFE) or teflon type coatings (i.e. bearings)
- Landfill Leachate
- Centralized Waste Treaters
- Known or Suspected PFAS Contaminated Sites
- Fire Fighting Training Facilities
- Airports
- Any Other Known or Expected Sources of PFAS

Sampling shall be conducted using Method 1633 for the PFAS analytes listed in Attachment H. The industrial discharges sampled and the sampling results shall be summarized and submitted to EPA and the State as an electronic attachment to the March discharge monitoring report due **April 15** of the calendar year following the testing.

F. INDUSTRIAL PRETREATMENT PROGRAMS

The following requirements only apply to dischargers that are required to conduct an Industrial Pretreatment Program (IPP). This section applies only to the following WWTFs: Dover, Somersworth, Jaffrey, Milford, Derry, Merrimack and Claremont.

1. Legal Authority

The Permittee has been delegated primary responsibility for enforcing against discharges prohibited by 40 CFR 403.5 and applying and enforcing any national Pretreatment Standards established by the United States Environmental Protection Agency in accordance with Section 307 (b) and (c) of The Clean Water Act (Act), as amended by The Water Quality Act (WQA), of 1987.

The Permittee shall operate an industrial pretreatment program in accordance with the General Pretreatment Regulations found in 40 CFR Part 403 and the approved pretreatment program submitted by the Permittee. The approved pretreatment program, and any approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following procedures, as required by 40 CFR Part 403.

The Permittee must have or develop a legally enforceable municipal code or rules and regulations to authorize or enable the POTW to apply and enforce the requirements of Sections 307(b) and (c) and 402(b)(8) and (9) of the Act and comply with the requirements of § 403.8(f)(1). At a minimum, this legal authority shall enable the POTW to:

- a. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;
- b. Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;
- c. Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users this control shall be achieved through permits or equivalent control mechanism identified as significant under § 403.3(v), as required by § 403.8(f)(1)(iii);
- d. Require (a) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (b) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12;
- e. Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable Pretreatment Standards and Requirements by Industrial Users. At a minimum, all significant industrial users shall be sampled and inspected at the frequency established in the approved IPP, but in no case less than once per year, and with adequate maintenance of records, Representatives of the POTW shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under § 403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;
- f. Obtain remedies for noncompliance by any Industrial User with any Pretreatment Standard and Requirement. All POTW's shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTWs shall also have authority to seek or

assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation by Industrial Users of Pretreatment Standards and Requirements in accordance with § 403.8(f)(1)(vi)(A); and

- g. Comply with the confidentiality requirements set forth in § 403.14.

2. Implementation Requirements

The Permittee shall operate a pretreatment program in accordance with the General Pretreatment Regulations found in 40 CFR Part 403 and with the legal authorities, policies, procedures, and financial provisions of the approved Pretreatment program submitted by the Permittee. The approved Pretreatment program, and any approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following procedures, as required by 40 CFR Part 403:

- a. In accordance with 40 CFR § 122.44(j)(1), Identify, in terms of character and volume of pollutants contributed from Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR Part 403.
- b. The Permittee must notify these identified Industrial Users of applicable Pretreatment Standards and any applicable requirements in accordance with 40 CFR § 403.8(f)(2)(iii). Pursuant to 40 CFR § 403.8(f)(6), prepare and maintain a list of significant industrial users and identify the criteria in 40 CFR § 403.3(v)(1) applicable to each industrial user.
- c. The Permittee must carry out inspection procedures and randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in accordance with 40 CFR § 403.8(f)(2)(v), which will determine independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users shall be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.
- d. The Permittee shall receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in 40 CFR § 403.12; This must include timely and appropriate reviews of industrial user reports and notifications to identify all violations of the user's permit, the local ordinance, and federal pretreatment standards and requirements.
- e. The Permittee shall evaluate whether each SIU needs a plan to control Slug

Discharges in accordance with 40 CFR § 403.8(f)(2)(vi). SIUs must be evaluated within 1 year of being designated an SIU. If required, the Permittee shall require the SIU to prepare or update, and implement a slug prevention plan that contains at least the minimum required elements in 40 CFR § 403.8(f)(2)(vi)(A-D) and incorporate the slug control requirements into the SIU's control mechanism;

- f. Pursuant to 40 CFR § 403.8(f)(2)(vii), the Permittee shall investigate instances of non-compliance with Pretreatment Standards and requirements indicated in required reports and notices or indicated by analysis, inspection, and surveillance activities.
- g. The Permittee shall publish, at least annually, in a newspaper or newspapers of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of all non-domestic users which, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR § 403.8 (f)(2)(viii).
- h. The Permittee shall provide sufficient resources and qualified personnel to implement its Pretreatment program in accordance with 40 CFR § 403.8(f)(3);
- i. The Permittee shall enforce all applicable Pretreatment Standards and requirements and obtain remedies for noncompliance by any industrial user. The Permittee shall develop, implement, and maintain an enforcement response plan in accordance with 40 CFR § 403.8(f)(5); and
- j. Pursuant to 40 CFR § 403.8(g), the Permittee that chooses to receive electronic documents must satisfy the requirements of 40 CFR Part 3 – (Electronic reporting).

3. Local Limit Development

- a. The Permittee shall develop, continually maintain, and enforce, as necessary, local limits to implement the general and specific prohibitions in 40 CFR § 403.5(c)(1) which prohibit the introduction of any pollutant(s) which cause pass through or interference and the introduction of specific pollutants to the waste treatment system from any source of non-domestic discharge.
- b. The Permittee shall develop and enforce specific effluent limits (local limits) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW Treatment Plant's Facilities or operation, are necessary to ensure continued compliance with the POTW's NPDES permit or sludge use or disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested

such notice and an opportunity to respond. Within 90 days of the effective date of the permit, the Permittee shall prepare and submit a written technical evaluation to EPA analyzing the need to revise local limits. As part of this evaluation, the Permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In preparing this evaluation, the Permittee shall complete and submit the attached form (see Attachment F – Reassessment of Technically Based Industrial Discharge Limits) with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data if available and should be included in the report. Should the evaluation reveal the need to revise local limits, the Permittee shall complete the revisions within 120 days of notification by EPA and submit the revisions to EPA for approval. The Permittee shall carry out the local limits revisions in accordance with EPA’s Local Limit Development Guidance (July 2004).

4. Notification Requirements

- a. The Permittee must notify EPA of any new introductions or any substantial change in pollutants from any Industrial User within sixty (60) days following the introduction or change, as required in 40 CFR 122.42(b)(1-3). Such notice must identify:
 - (1) Any new introduction of pollutants from an Industrial User which would be subject to Sections 301, 306, and 307 of the Act if it were directly discharging those pollutants; or
 - (2) Any substantial change in the volume or character of pollutants being discharged by any Industrial User;
 - (3) For the purposes of this section, adequate notice shall include information on:
 - i. The identity of the Industrial User;
 - ii. The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge; and
 - iii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids produced at such POTW.
- b. The Permittee must notify EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when:
 - (1) The alteration or addition to a permitted facility may meet one of the

criteria for determining whether a facility is a new source pursuant to 40 CFR § 122.29 (b);

- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged; or
 - (3) The alteration or addition results in a significant change in the Permittee's sludge use or disposal practices.
- c. The Permittee must notify EPA if the POTW modifies or intends to modify its Pretreatment Program.
 - d. The Permittee must notify EPA of any instance of pass through or interference, known or suspected to be related to a discharge from an Industrial User. The notification shall be attached to the DMR submitted EPA and shall describe the incident, including the date, time, length, cause, and the steps taken by the Permittee and Industrial User to address the incident.

5. Annual Report Requirements

The Permittee shall provide EPA with an annual report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this section shall be submitted no later than one year after approval of the POTW's Pretreatment Program, and at least annually thereafter. The report must include, at a minimum, the applicable required data in Appendix A to 40 CFR Part 127, a summary of changes to the POTW's pretreatment program that have not been previously reported to EPA, and any other relevant information requested by EPA.

All annual reports submitted in compliance with this section must be submitted electronically by the POTW Pretreatment Program to EPA or initial recipient, as defined in 40 CFR § 127.2(b). Electronic submittals shall be in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), 40 CFR § 122.22(e), and 40 CFR Part 127 (Part 127 is not intended to undo existing requirements for electronic reporting).

The Permittee shall provide EPA with an annual report describing the Permittee's pretreatment program activities for the twelve (12) month period ending 60 days prior to the due date in accordance with 40 CFR § 403.12(i). The annual report shall be consistent with the format described in Attachment G (NPDES Permit Requirement for Industrial Pretreatment Annual Report) of this permit and shall be submitted each year by the date in the table below.

Permittee	Annual Report Due Date
Dover	March 1
Jaffrey	March 1
Milford	March 1
Merrimack	September 1
Somersworth	September 1
Claremont	November 1
Derry	November 1

6. Beginning the first full calendar year after the effective date of the permit, the Permittee shall conduct or require annual sampling of the following types of industrial discharges into the POTW:

- Commercial Car Washes
- Platers/Metal Finishers
- Paper and Packaging Manufacturers
- Tanneries and Leather/Fabric/Carpet Treaters
- Manufacturers of Parts with Polytetrafluoroethylene (PTFE) or teflon type coatings (e.g., bearings)
- Landfill Leachate
- Centralized Waste Treaters
- Known or Suspected PFAS Contaminated Sites
- Fire Fighting Training Facilities
- Airports
- Any Other Known or Expected Sources of PFAS

Sampling shall be conducted using Method 1633 for the PFAS analytes listed in Attachment H. The industrial discharges sampled, and the sampling results shall be summarized and included in the annual report (see Part II.F.5).

G. SLUDGE CONDITIONS

1. The Permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices, including EPA regulations promulgated at 40 CFR § 503, which prescribe “Standards for the Use or Disposal of Sewage Sludge” pursuant to § 405(d) of the CWA, 33 U.S.C. § 1345(d).
2. If both state and federal requirements apply to the Permittee’s sludge use and/or disposal practices, the Permittee shall comply with the more stringent of the applicable requirements.
3. The requirements and technical standards of 40 CFR Part 503 apply to the following sludge use or disposal practices:

- a. Land application - the use of sewage sludge to condition or fertilize the soil
 - b. Surface disposal - the placement of sewage sludge in a sludge only landfill
 - c. Sewage sludge incineration in a sludge only incinerator
4. The requirements of 40 CFR Part 503 do not apply to facilities which dispose of sludge in a municipal solid waste landfill. 40 CFR § 503.4. These requirements also do not apply to facilities which do not use or dispose of sewage sludge during the life of the permit but rather treat the sludge (e.g., lagoons, reed beds), or are otherwise excluded under 40 CFR § 503.6.
5. The 40 CFR Part 503 requirements include the following elements:
- a. General requirements
 - b. Pollutant limitations
 - c. Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
 - d. Management practices
 - e. Record keeping
 - f. Monitoring
 - g. Reporting

Which of the 40 CFR Part 503 requirements apply to the Permittee will depend upon the use or disposal practice followed and upon the quality of material produced by a facility. The EPA Region 1 guidance document, "EPA Region 1 - NPDES Permit Sludge Compliance Guidance" (November 4, 1999), may be used by the Permittee to assist it in determining the applicable requirements.

6. The sludge shall be monitored for pollutant concentrations (all Part 503 methods) and pathogen reduction and vector attraction reduction (land application and surface disposal) at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year, as follows:

less than 290	1/ year
290 to less than 1,500	1 /quarter
1,500 to less than 15,000	6 /year
15,000 +	1 /month

Sampling of the sewage sludge shall use the procedures detailed in 40 CFR § 503.8.

7. Under 40 CFR § 503.9(r), the Permittee is a “person who prepares sewage sludge” because it “is ... the person who generates sewage sludge during the treatment of domestic sewage in a treatment works” If the Permittee contracts with another “person who prepares sewage sludge” under 40 CFR § 503.9(r) – i.e., with “a person who derives a material from sewage sludge” – for use or disposal of the sludge, then compliance with Part 503 requirements is the responsibility of the contractor engaged for that purpose. If the Permittee does not engage a “person who prepares sewage sludge,” as defined in 40 CFR § 503.9(r), for use or disposal, then the Permittee remains responsible to ensure that the applicable requirements in Part 503 are met. 40 CFR § 503.7. If the ultimate use or disposal method is land application, the Permittee is responsible for providing the person receiving the sludge with notice and necessary information to comply with the requirements of 40 CFR § 503 Subpart B.
8. The Permittee shall submit an annual report containing the information specified in the 40 CFR Part 503 requirements (§ 503.18 (land application), § 503.28 (surface disposal), or § 503.48 (incineration)) by February 19 (see also “EPA Region 1 - NPDES Permit Sludge Compliance Guidance”). Reports shall be submitted electronically using EPA’s Electronic Reporting tool (“NeT”) (see “Reporting Requirements” section below).
9. Compliance with the requirements of this permit or 40 CFR Part 503 shall not eliminate or modify the need to comply with applicable requirements under RSA 485-A and Env-Wq 800, New Hampshire Sludge Management Rules.

H. SPECIAL CONDITIONS

1. Provision to Modify pH Range

The pH range may be modified if the Permittee satisfies conditions set forth in Part II.K.5 below. Upon notification of an approval by NHDES, EPA will review and, if acceptable, will submit written notice to the Permittee of the permit change. The modified pH range will not be in effect until the Permittee receives written notice from EPA.

2. Ambient Phosphorus Monitoring

This requirement applies only to the following WWTFs: Somersworth, Lincoln, Ashland, Jaffrey, Milford, Derry, Merrimack, Claremont, Newport, Littleton, Penacook, Hooksett and Allenstown.

Beginning in April of the first even numbered year that occurs at least six months after permit issuance, and during even numbered years thereafter, the Permittee shall collect monthly samples from April through October of their receiving water at a location immediately upstream of the discharge. Sampling shall be conducted on any calendar day

that is preceded by at least 72 hours with less than or equal to 0.1 inches of cumulative rainfall. A sampling plan shall be submitted to EPA (as an electronic attachment to the DMR) and the State (in accordance with Part II.J.7) at least three months prior to the first planned sampling date. For the years that monitoring is not required, the Permittee shall report NODI code "9" (conditional monitoring not required).

3. Nitrogen Optimization Requirements

This requirement applies only to the following WWTFs: Claremont, Newport, Littleton, Lancaster, Lebanon, Hanover and Charlestown.

- a. The Permittee shall continue to optimize the treatment facility operations relative to total nitrogen (TN) removal through measures and/or operational changes designed to enhance the removal of nitrogen in order to minimize the annual average mass discharge of total nitrogen. All available treatment equipment in place at the facility shall be operated unless equal or better performance can be achieved in a reduced operational mode. The addition of a carbon source that may be necessary in order to meet the total nitrogen limit during the months of May to October is not required during the months of November to April.
- b. The Permittee shall submit an annual report to EPA and the State (as an electronic attachment to the DMR), by February 1st of each year, that summarizes activities related to optimizing nitrogen removal efficiencies, documents the annual nitrogen discharge load from the facility, and tracks trends relative to the previous calendar year and the previous five (5) calendar years. If, in any year, the treatment facility discharges of TN on an average annual basis have increased, the annual report shall include a detailed explanation of the reasons why TN discharges have increased, including any changes in influent flows/loads and any operational changes. The report shall include all supporting data.

4. Schedules of Compliance

The Permittee will have a schedule of compliance for any newly established or more stringent water quality-based effluent limits which EPA has determined the Permittee is not expected to be in compliance with upon the effective date of the authorization to discharge under the General Permit. The applicable Permittees and limits are listed below (see also Attachment E for the numeric values of these limits).

For 2-year compliance schedules (noted below), the Permittee shall evaluate optimization, source reduction, and/or minor process change in the first year and implement these findings in the second year.

For 4-year compliance schedules (noted below), the Permittee shall evaluate options for meeting the limit (including facility upgrades) in the first year, design in the second year, and complete construction and optimization in the 3rd and 4th years.

For compliance schedules with a unique date (noted below), these schedules are carried forward from the current individual permit and/or administrative order (AO). The Permittee shall achieve compliance with the limit by the date indicated.

During the compliance schedule, the Permittee shall report monitoring results (for newly established limits) or comply with an interim limit equivalent to the existing effective limit in their previous permit (for limits becoming more stringent).

- a. Durham: Copper (2-yr)
- b. Somersworth: Aluminum (2-yr)
- c. Lincoln: Aluminum (2-yr), Total Phosphorus (2-yr)
- d. Ashland: Total Phosphorus (2/1/2025)
- e. Milford: Copper (2-yr), Ammonia (2-yr, cold and warm), Total Phosphorus (5/1/2025)
- f. Derry: Total Phosphorus (4-yr)
- g. Hooksett: Aluminum (2-yr)
- h. Merrimack: Copper (2-yr)
- i. Allenstown: Aluminum (2-yr)
- j. Claremont: Aluminum (2-yr)
- k. Newport: Total Phosphorus (10/1/2026, based on AO)
- l. Littleton: Copper (2-yr), Total Phosphorus (4/1/2025)
- m. Hanover: Total Nitrogen (4-yr)
- n. Dover: *Enterococci* (2-yr, daily maximum only)

Finally, every twelve (12) months (beginning on the effective date of the authorization to discharge under the General Permit and ending upon the completion of the compliance schedule), the Permittee shall submit to EPA and NHDES (as an electronic attachment to the DMR) a status report relative to their progress toward achieving the permit limit.

5. Toxicity Violation Procedures

a. Accelerated WET Testing

The Permittee shall conduct at least two accelerated re-tests at 14-day intervals which must be started within 14 days and 28 days of receiving the following results:

- any WET test results in a violation of any WET limit and the test acceptability criteria were met (only re-test for the species that failed); or

- the Permittee identifies or is provided notice of a sudden and significant death of large numbers of fish and/or shellfish in the vicinity of the discharge (test for all species identified in permit); or
- an oily sheen is observed on the surface of the water in the vicinity of the outfall during the monthly visual inspection described in Part II.A.1 (test for all species identified in permit).

If the receiving water was used as the dilution water and is suspected to be toxic (*e.g.*, based on results from the initial test), the Permittee shall conduct the accelerated WET tests using laboratory water as the dilution water with a similar pH and hardness as the receiving water. If the WET tests using laboratory water do not violate any WET limits, the Permittee shall return to a normal monitoring frequency but should request to continue to use laboratory water as the dilution water based on these results. If either accelerated WET test violates any WET limits (and the test acceptability criteria were met), the discharge is considered to have persistent toxicity and the Permittee must immediately initiate a Toxicity Identification Evaluation and Toxicity Reduction Evaluation (TIE/TRE) in accordance with subpart b below to resolve any toxic impacts on the receiving water.

b. TIE/TRE

- (1) If the WET re-test described above results in a violation of the WET limits, the Permittee must immediately initiate a TIE/TRE designed to identify and reduce toxicity in the discharge. Notice of TIE/TRE study implementation is to be submitted to EPA (via email: R1NPDESReporting@epa.gov) and NHDES within 10 days of receiving notification of WET re-test failure.
- (2) A TIE/TRE schedule and action plan must be submitted to EPA and NHDES as an electronic attachment to the DMR within 60 days of receipt of WET re-test failure.

The TIE/TRE schedule (from the initiation date to the termination date) should be as short as possible, and no longer than 24 months as follows: The “TIE/TRE initiation date” is the date of the receipt of results for the toxicity test that confirms persistent toxicity and the “TIE/TRE termination date” is the date corrective actions to resolve toxicity are identified and a schedule for completing these corrective actions is proposed.

The objective of the action plan is to identify the source(s) of toxicity by analyzing toxicity testing samples for any toxicant identified as being a potential source of toxicity and ascertaining whether the same level of

toxicity occurs when any suspected toxicant level varies. This information might lead to finding one or more toxicants or confirming or eliminating suspected toxicants and possibly their source(s).

- (3) Quarterly “TIE/TRE Progress Reports” should be submitted to EPA and NHDES as an electronic attachment to the DMR at the end of each quarter after the TIE/TRE initiation date. The progress report should list all activities and findings related to resolving toxicity, including all WET and chemical test data. The data summaries of the TIE/TRE also should be provided in a tabulated format with explanations of the procedures used and the recorded findings from the study.
- (4) A “Final TIE/TRE Report” should be submitted to EPA and NHDES within 45 days of the TIE/TRE termination date (as an electronic attachment to the DMR) and should summarize the TIE/TRE activities and findings, propose the corrective action(s) to be taken, and propose a schedule to complete any identified corrective action(s).
- (5) After submission of the “Final TIE/TRE Report,” the Permittee shall continue to submit quarterly “Toxicity Reduction Progress Reports” (as an electronic attachment to the DMR) documenting progress on the corrective actions being taken to reduce toxicity in accordance with the proposed schedule.
- (6) Upon completion of all corrective actions identified in the “Final TIE/TRE Report,” the Permittee shall submit a “Toxicity Reduction Completion Report” (as an electronic attachment to the DMR) summarizing the corrective actions taken based on the TIE/TRE and shall include all information necessary to demonstrate that the discharge is no longer toxic and consistently complies with all WET limits.

6. Benthic Survey

During the third calendar quarter (*i.e.*, July through September) that begins at least 12 months after the effective date of the permit, the Permittee shall conduct a benthic survey once per permit term to assess impacts from the discharge on aquatic life in the benthic environment.

Benthic grab samples shall be taken at three locations sited along each of two transects (one immediately upstream/upgradient of the discharge at a location considered to be unimpacted by the discharge, and one downstream/downgradient of the discharge immediately outside of the estimated zone of initial dilution). Along each transect, duplicate samples shall be taken in the thalweg along with sites near each shoreline, for a total of six samples along each transect and 12 samples total. Organisms shall be

sorted and identified to the lowest possible taxonomic level. Counts shall be standardized to densities per square meter of bottom. To characterize the bottom, grain size samples shall be collected at each grab site.

Taxonomy must be performed by a professional freshwater macroinvertebrate taxonomist who, at a minimum, holds and maintains for the duration of the contract a certification from the Society of Freshwater Science for eastern genera in group 1 (Crustacea and Arthropods other than EPT and Chironomidae), group 2 (Ephemeroptera, Plecoptera, and Trichoptera nymphs and larvae only) and group 3 (Chironomidae larvae only).

A report summarizing the results and comparing the upstream and downstream benthic populations shall be submitted by the following January 15 as an electronic attachment to the DMR.

7. Operating Requirements and Conditions during Dam Maintenance and Other Low Flow Conditions for the Ashland WWTF
 - a. Maintenance of the hydropower facilities upstream of the Ashland WWTF discharge is typically performed in late June or early July, but may also occur at other times throughout the year, as regulated by NHDES-WD. The maintenance may require a reduction in the release of water from the Squam Lake Dam to less than 26 cfs. For purposes of this section, the term “maintenance period” is defined as extending from the day that outflow from Squam Lake Dam is reduced to perform maintenance until five days after the receiving water flow is returned to a normal flow pattern (must be greater than 26 cfs), as measured at the NHDES-WD gaging station at Ashland.
 - b. Discharge from Outfall 001 shall be zero during all maintenance periods identified pursuant to Part II.H.7.a, and at any time the flow in the Squam River is less than 26 cfs as measured at the NHDES-WD gage.
 - c. The Permittee shall notify EPA and NHDES in accordance with Part II.J below by May 15th of each year that the available storage capacity in the four lagoons as of June 15th will be adequate to store the discharge from Outfall 001 during the period defined in Part II.H.7.a. In the event adequate storage will not be available by June 15th under normal operation, the Permittee shall include in the notification the plan required by Part II.H.7.d below.
 - d. The Permittee’s plan shall include the steps necessary to achieve adequate storage in the lagoons by June 15th to maintain a zero discharge from Outfall 001 during the typical June and July maintenance period identified in Part II.H.7.a above. Drawdown for this storage shall be accomplished gradually and the maximum daily discharge

shall not exceed the design flow of 1.6 MGD to achieve the required storage capacity.

8. Salmon Falls River Monitoring Program

For Somersworth only: The Permittee shall participate in an annual summer period Salmon Falls River Monitoring Program consisting of periodic collection and analysis of River water samples during the period of June 1 to September 30, which will help NHDES and MEDEP evaluate whether water quality standards are being achieved. The Permittee shall continue to follow the study plan, including quality assurance provisions, provided by NHDES and MEDEP.

I. Submittal of Facility-Specific Information

Each permittee shall submit the following facility-specific information which EPA has deemed necessary for development of the next reissuance of this General Permit. This information shall be submitted as electronic attachments in NetDMR for the final full calendar quarter before the expiration date of the General Permit (in accordance with reporting requirements in Part II.J.2 below).

1. Provide the current (most recent calendar year) average daily volume of inflow and infiltration (I/I) and the steps the facility is taking to minimize inflow and infiltration.
2. Provide an updated Flow Diagram or Schematic for the WWTF showing the processes of the treatment plant, including all bypass piping (if any) and all backup power sources or redundancy in the system. This includes a water balance showing all treatment units, including disinfection (*e.g.*, chlorination and dechlorination), and showing daily average flow rates at influent and discharge points, and approximate daily flow rates between treatment units. Also provide a narrative description of the diagram/schematic.
3. Provide a summary and schedule for any ongoing or planned facility upgrades, including specific details such as affected outfalls, construction start date, construction end date, discharge start date, and attainment of operational level date. Also indicate, if appropriate, whether permits/clearances concerning other federal/state requirements have been obtained.
4. Provide a list of Significant Industrial Users and Categorical Industrial Users contributing flow to the system, including name, mailing address, description of all industrial processes that affect or contribute to the discharge, the principal products and raw materials that affect or contribute to the discharge, average flow vs. average flow attributable to process flow, categories and subcategories for the SIU, and information on upsets/interferences attributable to the SIU.
5. Indicate if the POTW receives or has been notified that it will receive by truck, rail, or dedicated pipe any wastes that are regulated as RCRA hazardous wastes pursuant to 40 CFR 261. For each hazardous waste received, provide the hazardous waste number, the method by which the waste is received (*e.g.*, by truck, dedicated pipe, rail, etc.), the

amount of waste received annually (specify units), and the extent of treatment, if any, the wastewater receives or will receive before entering the POTW.

6. Provide a summary of sewage sludge treatment and disposal practices (including disposal method, disposal amount in dry metric tons, name and address of any third-party contractor, etc.).
7. Perform three pollutant scans for the pollutants listed in Attachment I, using a representative composite sample (or grab sample for lagoon facilities) once per quarter in the final three full calendar quarters of the 5-year permit term. The results for all three scans shall be summarized and submitted using the Form in Attachment I.

J. REPORTING REQUIREMENTS

Unless otherwise specified in this permit, the Permittee shall submit reports, requests, and information and provide notices in the manner described in this section.

1. Submittal of DMRs Using NetDMR

The Permittee shall continue to submit its monthly monitoring data in discharge monitoring reports (DMRs) to EPA and the State electronically using NetDMR no later than the 15th day of the month. When the Permittee submits DMRs using NetDMR, it is not required to submit hard copies of DMRs to EPA or the State. NetDMR is accessible through EPA's Central Data Exchange at <https://cdx.epa.gov/>.

2. Submittal of Reports as NetDMR Attachments

Unless otherwise specified in this permit, the Permittee and Co-permittee(s) shall electronically submit all reports to EPA as NetDMR attachments rather than as hard copies. This includes the NHDES Monthly Operating Reports (MORs). See Part II.J.7. for more information on State reporting. Because the due dates for reports described in this permit may not coincide with the due date for submitting DMRs (which is no later than the 15th day of the month), a report submitted electronically as a NetDMR attachment shall be considered timely if it is electronically submitted to EPA using NetDMR with the next DMR due following the report due date specified in this permit.

3. Submittal of Industrial User and Pretreatment Related Reports

- a. All reports and information required of the Permittee in the Industrial Users and Pretreatment Program section of this permit shall be submitted electronically as NetDMR attachments and/or using EPA's NPDES Electronic Reporting Tool ("NeT"), or another approved EPA system, which will be accessible through EPA's Central Data Exchange at <https://cdx.epa.gov/>. These requests, reports and notices include:

- (1) Annual Pretreatment Reports,

- (2) Pretreatment Reports Reassessment of Technically Based Industrial Discharge Limits Form,
 - (3) Revisions to Industrial Discharge Limits,
 - (4) Report describing Pretreatment Program activities, and
 - (5) Proposed changes to a Pretreatment Program
- b. This information shall be submitted to EPA WD as a hard copy at the following address:

U.S. Environmental Protection Agency
Water Division
Regional Pretreatment Coordinator
5 Post Office Square - Suite 100 (06-03)
Boston, MA 02109-3912

4. Submittal of Biosolids/Sewage Sludge Reports

By February 19 of each year, the Permittee must electronically report their annual Biosolids/Sewage Sludge Report for the previous calendar year using EPA's NPDES Electronic Reporting Tool ("NeT"), or another approved EPA system, which is accessible through EPA's Central Data Exchange at <https://cdx.epa.gov/>.

5. Submittal of Requests and Reports to EPA Water Division (WD)

- a. The following requests, reports, and information described in this permit shall be submitted to the NPDES Applications Coordinator in EPA Water Division (WD):
- (1) Transfer of permit notice;
 - (2) Request for changes in sampling location;
 - (3) Request for reduction in testing frequency;
 - (4) Report on unacceptable dilution water / request for alternative dilution water for WET testing;
 - (5) Report of new industrial user commencing discharge; and
 - (6) Report received from existing industrial user.
- b. These reports, information, and requests shall be submitted to EPA WD electronically at R1NPDESReporting@epa.gov.

6. Submittal of Sewer Overflow and Bypass Reports and Notifications

The Permittee and Co-permittee(s) shall submit required reports and notifications under Part V.B.4.c, for bypasses, and Part V.D.1.e, for sanitary sewer overflows (SSOs) electronically using EPA’s NPDES Electronic Reporting Tool (“NeT”), which will be accessible through EPA’s Central Data Exchange at <https://cdx.epa.gov/>.

7. State Reporting

Unless otherwise specified in this permit or by the State, duplicate signed copies of all reports, information, requests or notifications described in this permit, including the reports, information, requests or notifications described in Parts II.J.3 through II.J.6 shall also be submitted to the New Hampshire Department of Environmental Services, Water Division (NHDES–WD) electronically to the Permittee’s assigned NPDES inspector at NHDES-WD or as a hardcopy to the following addresses:

New Hampshire Department of Environmental Services
Water Division
Wastewater Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095

8. Verbal Reports and Verbal Notifications

- a. Any verbal reports or verbal notifications, if required in Parts II and/or V of this permit, shall be made to both EPA and to the State. This includes verbal reports and notifications which require reporting within 24 hours (e.g., Part V.B.4.c.(2), Part V.B.5.c.(3), and Part V.D.1.e).
- b. Verbal reports and verbal notifications shall be made to:

EPA ECAD at 617-918-1510
and
NHDES Assigned NPDES Inspector listed below:
Central/South NH: 603-271-2985
North/West NH: 603-271-1494
NH Seacoast: 603-271-1493

K. STATE 401 CERTIFICATION CONDITIONS

- 1. The Permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality

classification of, or interfere with the uses assigned to, said water by the New Hampshire Legislature (RSA 485-A:12).

2. This NPDES discharge permit is issued by EPA under federal law. Upon final issuance by EPA, the New Hampshire Department of Environmental Services-Water Division (NHDES-WD) may adopt this permit, including all terms and conditions, as a state permit pursuant to RSA 485-A:13.
3. EPA shall have the right to enforce the terms and conditions of this permit pursuant to federal law and NHDES-WD shall have the right to enforce the permit pursuant to state law, if the permit is adopted. Any modification, suspension, or revocation of this permit shall be effective only with respect to the agency taking such action and shall not affect the validity or status of the permit as issued by the other agency.
4. Pursuant to New Hampshire Statute RSA 485-A:13, I(c), any person responsible for a bypass or upset at a wastewater facility shall give immediate notice of a bypass or upset to all public or privately owned water systems drawing water from the same receiving water and located within 20 miles downstream of the point of discharge regardless of whether or not it is on the same receiving water or on another surface water to which the receiving water is tributary. Wastewater facility is defined at RSA 485-A:2XIX as the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge. The Permittee shall maintain a list of persons, and their telephone numbers, who are to be notified immediately by telephone. In addition, written notification, which shall be postmarked within 3 days of the bypass or upset, shall be sent to such persons.
5. The pH range of 6.5 to 8.0 Standard Units (S.U.) must be achieved in the final effluent unless the Permittee can demonstrate to NHDES-WD: 1) that the range should be widened due to naturally occurring conditions in the receiving water; or 2) that the naturally occurring receiving water pH is not significantly altered by the Permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES-WD. In no case, shall the above procedure result in pH limits outside the range of 6.0 to 9.0 S.U., which is the federal effluent limitation guideline regulation for pH for secondary treatment and is found in 40 CFR § 133.102(c).
6. Pursuant to New Hampshire Code of Administrative Rules, Env-Wq 703.07(a):

Any person proposing to construct or modify any of the following shall submit an application for a sewer connection permit to the department:
 - a. Any extension of a collector or interceptor, whether public or private, regardless of flow;
 - b. Any wastewater connection or other discharge in excess of 5,000 gpd;

- c. Any wastewater connection or other discharge to a WWTP operating in excess of 80 percent design flow capacity or design loading capacity based on actual average flow or loading for 3 consecutive months;
 - d. Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity;
 - e. Any sewage pumping station greater than 50 gpm or serving more than one building; or
 - f. Any proposed sewer that serves more than one building or that requires a manhole at the connection.
7. For Permittees without an IPP, prior to an industrial user increasing the volume of the industrial wastewater flow, or changing any characteristics of the discharge, an 'Industrial Wastewater Discharge Request' shall be submitted in accordance with Env-Wq 305.10(a).
8. For Permittees without an IPP, pursuant to Env-Wq 305.15(d) and 305.16(f), the Permittee shall not allocate or accept for treatment more than 90 percent of the headworks loading limits of the facility.
9. Pursuant to Env-Wq 305.21, at a frequency no less than every five years, the Permittee shall submit to NHDES:
 - a. A copy of its current sewer use ordinance if it has been revised without department approval subsequent to any previous submittal to the department or a certification that no changes have been made.
 - b. A current list of all significant indirect dischargers to the POTW. At a minimum, the list shall include for each significant indirect discharger, its name and address, the name and daytime telephone number of a contact person, products manufactured, industrial processes used, existing pretreatment processes, and discharge permit status.
 - c. A list of all permitted indirect dischargers; and
 - d. A certification that the municipality is strictly enforcing its sewer use ordinance and all discharge permits it has issued.
10. When the effluent discharged for a period of three (3) consecutive months exceeds 80 percent of the design flow or design loading capacity, the Permittee shall submit to the permitting authorities a projection of flows and loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining

satisfactory treatment levels consistent with approved water quality management plans. Before the design flow will be reached, or whenever treatment necessary to achieve permit limits cannot be assured, the Permittee may be required to submit plans for facility improvements.

11. Outfall Maintenance and Inspection (only applicable to Seabrook WWTF and Dover WWTF)

- a. Effluent diffusers shall be maintained as necessary to ensure proper operation. Proper operation means that the plumes from each port will be balanced relative to each other and that they all have unobstructed flow. Maintenance may include dredging in the vicinity of the diffuser, clean out of solids in the diffuser header pipe, removal of debris and repair/replacement of riser ports and duckbill valves.
- b. Any necessary maintenance dredging must be performed only after receiving all necessary permits from the NHDES Wetlands Bureau and other appropriate agencies.
- c. To determine if maintenance will be required, the Permittee shall have a licensed diver or licensed marine contractor inspect and videotape the operation of the diffuser. The inspections and videotaping shall be performed in accordance with the following schedule:
 - (1) Every year if no duckbill valves have been installed on the riser ports; or
 - (2) Every 2 years if duckbill valves have been installed on the riser ports.
- d. The video of the diffuser inspection and a copy of a report summarizing the results of the inspection shall be submitted to EPA and NHDES-WD on a USB drive within 60 days of each inspection. A schedule for cleaning, repairs, or other necessary maintenance shall be included in the report if the inspection indicates that it is necessary. Necessary cleaning, repairs, or other maintenance should be documented with a photo or video taken after the action is completed.

12. NHDES Shellfish Notification Procedures (only applicable to Seabrook WWTP, Leavitt E. Magrath WWTP, Durham WWTF and Dover WWTF)

The Permittee shall immediately notify the Shellfish Section of NHDES-WD of possible high bacteria/virus loading events from the facility or its sewage collection infrastructure. Such events include:

- a. Any lapse or interruption of normal operation of the POTW disinfection system, or other event that results in discharge of sewage from the POTW or sewage collection infrastructure (pump stations, sewer lines, manholes, etc.) that has not undergone full disinfection as specified in this permit;

- b. Total daily flows in excess of the POTW's average daily design flow of 1.8 MGD for Seabrook WWTP, 4.7 MGD for Leavitt E. Magrath WWTP, 2.5 MGD for Durham WWTF, 4.7 MGD for Dover WWTF; and
- c. Daily post-disinfection effluent sample result of 43 fecal coliform/100 mL or greater. Notification shall also be made for instances where NPDES-required bacteria sampling is not completed, or where the results of such sampling are invalid.

Notification shall be made using the program's cell phone number. If Shellfish Program staff are not available to answer the phone, leave a message describing the issue or situation and provide your contact information, including phone number. Then, call the Shellfish Program's pager and enter a call back number. Upon initial notification of a possible high bacteria/virus loading event, Shellfish Program staff will determine the most suitable interval for continued notification and updates on an event-by-event basis.

NHDES - Shellfish Program
Cell Phone: 603-568-6741
Pager: 603-771-9826

III. Obtaining Authorization to Discharge

A. Obtaining Coverage

To obtain coverage under the General Permit, facilities identified in Attachment E of this General Permit may, at their election, submit a Notice of Intent (NOI) to EPA **within 30 days of the effective date of the General Permit** in accordance with 40 CFR § 122.28(b)(2)(i) & (ii). The contents of the NOI shall include at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, the receiving stream(s) and be signed by the operator in accordance with the signatory requirements of 40 CFR § 122.22, including the certification statement found at § 122.22(d), as follows:

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 assure 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.

All NOIs must be submitted to EPA either electronically to R1NPDESReporting@epa.gov with copy to Duspiva.Michele@epa.gov (Note: electronic submittals must include electronic signature) or physically to the following address:

United States Environmental Protection Agency
ATTN: Municipal Permits Section
5 Post Office Square – Suite 100
Mail Code – 06-1
Boston, Massachusetts 02109-3912

Alternately, the Director may notify a discharger that it is covered by this General Permit, even if the discharger has not submitted a notice of intent to be covered in accordance with 40 CFR § 122.28(b)(2)(vi). EPA has determined that the eligible dischargers listed in Attachment E of this General Permit may be authorized to discharge under the General Permit by this type of notification. Such authorization to discharge will be effective upon the date indicated in written notice from EPA.

Facilities will maintain coverage under their existing individual permits until receiving written notification from EPA of authorization to discharge under the NH Medium WWTF GP. Such authorization will be effective upon the date indicated in written notice from EPA. As a precondition to obtaining authorization to discharge under the NH Medium WWTF GP, authorization to discharge pursuant to their individual permits will be removed using appropriate procedures under 40 CFR Part 124. Therefore, authorization to discharge under the NH Medium WWTF GP will be subject to completion of appropriate Part 124 proceedings and will be effective upon the date indicated in written notice from EPA.

B. When the Director May Require Application for an Individual NPDES Permit

The Director may require any operator authorized by or requesting coverage under this general permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take such action. Instances where an individual permit may be required include the following:

1. A determination under 40 CFR § 122.28(b)(3), including:
 - a. A change has occurred in the availability of the demonstrated technology of practices for the control or abatement of pollutants applicable to the point source(s);
 - b. Effluent limitation guidelines are promulgated for the point source(s) covered by this permit;
 - c. A Water Quality Management Plan or Total Maximum Daily Load containing requirements applicable to such point source(s) is approved and inconsistent with this permit;
 - d. Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized

discharge is necessary; and

- e. The discharge(s) is a significant contributor of pollutants.
2. The discharger is not in compliance with the conditions of this General Permit.
3. The discharge(s) is in violation of State water quality standards for the receiving water.
4. Actual or imminent harm to aquatic organisms, including ESA or human health, is identified.

C. When an Individual Permit May Be Requested

In accordance with 40 CFR § 122.28(b)(3)(iii), any owner or operator authorized by this General Permit may request to be excluded from the coverage of this General Permit. The owner or operator shall submit an application for a permit under § 122.21, with reasons supporting the request, to the Director no later than 90 days after the publication by EPA of the Notice of Availability of the final General Permit. The request shall be processed under 40 CFR Part 124. The request shall be granted by issuing of an individual permit if the reasons cited by the owner or operator are adequate to support the request.

When an individual NPDES permit is issued to an operator otherwise subject to this General Permit, the applicability of this General Permit to that owner or operator is automatically terminated on the effective date of the individual permit.

D. EPA Determination of Coverage

Any operator may request to be covered under this General Permit but the final authority rests with EPA. Coverage under this General Permit will not be effective until receipt of notification of inclusion from EPA. The effective date of coverage will be the date indicated in the authorization to discharge provided by EPA in writing.

Any operator authorized to discharge under this General Permit will receive written notification from EPA. Failure to receive from EPA written notification of permit coverage means that the operator is not authorized to discharge under this General Permit.

IV. Administrative Requirements

A. Notice of Termination (NOT) of Discharge or Change of Owner/Operator

Permittees shall notify EPA and the appropriate State agency in writing upon the termination of any discharge(s) authorized by this General Permit. The NOT shall include the name, mailing address, phone number, and the location of the facility for which the notification is being submitted, the NPDES permit number of the discharge identified by the notice, and an indication of whether the discharge has been eliminated or if the owner/operator of the discharge has changed. The NOT shall be signed in accordance with the signatory requirements

of 40 CFR § 122.22. Completed and signed NOTs shall be submitted to EPA at R1NPDESReporting@epa.gov and to NHDES.

B. Continuation of this General Permit After Expiration

If this General Permit is not reissued prior to its expiration date, it will be administratively continued in accordance with the Administrative Procedures Act (5 U.S.C. 558(c)) and 40 CFR § 122.6 and remain in full force and in effect for discharges covered prior to its expiration.

Coverage under this permit will not be available to any facility that is not authorized to discharge under the General Permit before the expiration date.

Any Permittee whose authorization to discharge under this General Permit was administratively continued will automatically remain covered by the continued General Permit until the earlier of:

1. Authorization to discharge under a reissued permit or a replacement of this permit; or
2. The Permittee's submittal of a Notice of Termination; or
3. Issuance of an individual permit for the Permittee's discharge; or
4. A formal permit decision by EPA not to reissue this General Permit, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.