

Town of New Castle, NH

Water and Sewer Ordinance

Adopted By:

David B McGuckin 4/17/23
David McGuckin / date

William Stewart / date

Jane Finn 4/17/23
Jane Finn / date

Select Board, Town of New Castle, New Hampshire

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1. Purpose.

- 1.1 As authorized under New Hampshire RSA 38:26 (water) and RSA 149-I (sewer), the purpose of this document is to establish an ordinance pertaining to the proper maintenance and operation of the water and sewer utilities of the Town and to prescribe regulations regarding private septic systems where allowed.

2. Supersession and Implementation.

- 2.1 This edition of the Water and Sewer ordinance supersedes the ordinance of May 7, 2018 and all amendments thereto. This ordinance is effective upon Select Board signatures.
- 2.2 The state of New Hampshire mandates adherence to the International Plumbing Code for building interiors. Exterior issues are prescribed by Town ordinance as permitted by RSA 38:26 (water) and RSA 149-I:6 (sewer).
- 2.3 For the sake of brevity, elements of the ordinance which “apply in common” to both utilities are first presented in the section labeled “**Ordinance Elements Common to Water and Sewer.**” Readers who are concerned with only one utility, are advised that they need to refer to both the **Elements Common** as well as utility specific elements later in the document.

3. Definitions.

- 3.1 Definitions of terms used in this ordinance are found in Appendix A.

4. Governance.

4.1 Commissioners.

4.1.1 RSA Chapter 38-C allows for the combining of sewer commissioners and commissioners of waterworks. In New Castle, this combination is known as the Water and Sewer Commission. Pursuant to RSAs 38-C:2 and 38:18, the commission shall consist of three, or more, citizens. As allowed under RSA 38:19, at Town Meeting of March 8, 1977, voters authorized the Select Board to appoint the commission members.

4.1.2 Pursuant to RSA 38:20, the commissioners are uncompensated Town volunteers appointed by the Select Board. Their term of office is three years. There are five regular members and two alternates; one member is an ex-officio member of the Select Board. Three members constitute a voting quorum. The Town Treasurer is ex-officio Treasurer of the Water and Sewer Funds and a non-voting member of the Commission as is the Superintendent of Public Works. The commissioners annually choose one of their number as chairperson for one year, typically in June.

4.1.3 The duties of the Commission are broadly addressed in RSA Title III, Chapter 38, and Title X, Chapter 149-I, for the water and sewer utility respectively. Oversight of the day-to-day operations of the water and sewer utilities are their responsibility, as is the development of the annual budgets and appropriations of both, prior to their submission to the Budget Committee, Select Board and the Town Meeting.

4.1.4 The Commission shall conduct ongoing operations of the water and sewer systems and shall inform the Select Board of changes in both operating procedures and capital expenditures. The Commission shall set rates for water and sewer service to recover both operating and capital costs as approved by vote of the Town. Final setting of rates, fees, and fines requires approval by the Select Board.

4.1.5 The Commission has authorized the Superintendent of Public Works to unilaterally spend up to \$5,000 for emergency repairs incident to actual or imminent failure of either utility.

4.2 Funds.

4.2.1 Funds of the water and sewer operations shall not be commingled. Each will be kept separate, and each shall have operating and capital accounts.

4.2.1.1 There is a Water Enterprise Operating Account and a Sewer Enterprise Operating Account. Revenues for each are derived from fees levied for service; expenditures are determined and approved by the Water and Sewer Commission within annual, budgeted appropriations.

4.2.1.2 With regard to capital accounts, at the May 2009 Town Meeting, the voters changed the purpose of an existing “Water and Sewer Department Depreciation Expendable Trust Fund” to the “Sewer Department Expendable Trust Fund” for the purpose of funding maintenance, repair and replacement of Sewer Department facilities, and named the Select Board as agents to expend from this Fund. At this same meeting, the Town created an expendable trust fund under provisions of RSA 31:19-a to be known as the “Water Department Expendable Trust Fund” for the purpose of funding maintenance, repair and replacement of Water Department facilities and again named the Select Board as agents to expend from this Fund. The monies in these two funds are appropriated and raised at the annual Town Meeting from the taxpayers, as opposed to the ratepayers.

4.2.1.3 At the January 9, 2019, Water and Sewer Commission meeting, under the provisions of RSA 35:7 and 35:1, the commissioners established the Water Capital Reserve Fund and the Sewer Capital Reserve Fund. Each fund consists exclusively of surplus water and sewer rentals (rates paid) respectively; they do not include any taxpayer appropriations. Under the provisions of RSA 35:15, the commissioners determine when expenditures shall be made.

4.2.2 Any fines levied for violations of this ordinance are to be deposited into the appropriate fund based on the nature of the infraction.

4.3 Violations, Enforcement and Penalties.

4.3.1 If a violation of the New Castle Water and Sewer Ordinance comes to the attention of the Water and Sewer Commission, either directly or upon any well-founded information in writing from any person aggrieved, the Commission shall take immediate steps in whatever legal manner required to enforce this ordinance.

4.3.2 Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and will be provided a reasonable time period to correct the violation. The offender shall, within the period stated in such notice, permanently cease all violations.

4.3.3 Any person who shall continue any violation beyond the time limit provided shall be guilty of a misdemeanor, and upon conviction shall be fined in the amount specified in Appendix B for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

4.3.4 Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such violation.

4.3.5 No person shall maliciously, willfully, or negligently break, damage, destroy or tamper with any structure or equipment which is a part of either utility. No person shall trespass onto Town property containing any utility equipment. Any person violating this provision shall be subject to arrest under charge of disorderly conduct, criminal trespassing, and criminal mischief.

4.4 Limits of Town Liability. The approval of any application for connection to the Town's water or sewer utility does not indicate, nor should it be construed as meaning, acceptance of any liability by the Town or any of its employees for claims which may arise due to errors, oversights, inferior material, poor workmanship, or damages incurred in connection with such approvals.

4.5 Hearing Board.

4.5.1 A hearing board shall be appointed as needed for arbitration on differences between the Water and Sewer Commission and citizens on matters concerning interpretation and execution of the provisions of this ordinance. The board shall be comprised of three members appointed by the Select Board.

4.5.2 Cases not resolved by arbitration will be referred to the Select Board for resolution. Cases arbitrarily resolved adverse to the Water and Sewer Commission may be referred to the Select Board by the Water and Sewer Commission for resolution.

5.0 Ordinance Elements Common to Water and Sewer.

5.1 Application for Service.

5.1.1 All expenses to establish, install, repair, or replace any components connected to a Town utility will be borne by the property owner.

5.1.2 Each application for the use of water or sewer shall be made to the Water and Sewer Commission on the prescribed form available at Town Hall and on the Town's website. An application is necessary for original installation and any subsequent replacement. If the Water and Sewer Commission decides that a registered engineer needs to review the plans, the developer/owner shall pay the cost of employing the engineer for any fees of review, inspection or test deemed necessary.

5.1.3 An application is also required for the extension of water or sewer service to any outbuilding or appurtenant structure, notably accessory dwelling units (ADUs). The application shall state the purpose of the extension of service. A formal assessment of the water and sewer load by a registered engineer is required.

5.1.4 Applicants may be subject to Capacity Use Surcharges imposed by the City of Portsmouth for water or sewer connections which appreciably increase load on the city's utilities, most notably, increased sewer flows to the Peirce Island Waste Water Treatment Facility greater than 30%.

Note: See Section 6 (Water) and Section 7 (Sewer) for additional information.

5.1.5 The application for service is separate from a plumbing permit. The former authorizes connection to the utility; the latter provides for the oversight and inspection of the plumbing work to ensure it complies with the International Plumbing Code which has been adopted by the Town. Applicants must confer with the Plumbing Inspector to ascertain any need for a permit.

5.1.6 Apply for a trench permit from the Road Agent (who is also the Superintendent of Public Works). A copy of the form is available at the Town Hall and on the Town website.

5.2 Installation, Maintenance and Repair.

5.2.1 All trench openings in Town roads shall be bonded for one year from the date of completion of the project with a \$2,000 minimum cash, certified check, to the Water and Sewer Commission as escrow payment held as surety by the Town. Town bonding is not necessary when the construction is in a state road and the contractor already has a bond with the state Department of Transportation. Before any trench is dug, the contractor/owner shall comply with N.H. Title XXXIV, Public Utilities, Section 374.49, "Damage Prevention System." Compliance is most readily achieved by contacting Dig Safe, Inc. at phone number 811 at least 72 hours in advance of digging. Trench openings

shall be repaired and maintained for at least one year by the contractor who does the excavation work. The surety bond will be released upon satisfactory final inspection by the Road Agent. All final patches shall be done in accordance with NHDOT standards.

5.2.2 All excavations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. Prior to any excavation on public property, a trenching permit must be obtained from the Road Agent.

5.2.3 Road or roadside work may require a police detail at property owner expense. Property owners or their contractor should confer with the police department to assess any requirement for such a detail ahead of any work.

5.2.4 All new, altered, extended, or replaced water/sewer service shall be left uncovered and unconcealed until it has been inspected by the Superintendent of Public Works. The owner or his contractor shall notify the Superintendent 48 hours in advance of when the service line is ready for inspection and connection to the water/sewer main. In the event a trench is back filled prior to inspection, it shall be re-excavated at owner's expense. The water/sewer connection itself shall be made under the supervision of the Superintendent of Public Works or his representative.

5.2.5 Any deviation from prescribed procedure and materials must be approved by the Water and Sewer Commission before installation.

5.3 How Water and Sewage Usage are Measured.

5.3.1 Water meters measure in cubic feet. Bills are calculated against "units" of measure. One "unit" of water equals 100 cubic feet. One cubic foot of water equals 7.48 gallons and so one "unit" of water equals 748 gallons.

5.3.2 Sewage rates are assessed against water units, one-for-one. For customers who receive their water directly from the Portsmouth system but dispose of their sewage through the Town's system, water readings are obtained from the City of Portsmouth to calculate the sewer bill.

5.4 Billing and Payments.

5.4.1 Quarterly Billing. The Town will bill for water and sewer based on meter readings done on a quarterly schedule: usage between January 1 - March 31 will be billed in April; April 1 - June 30, in July; July 1 - September 30, October; and October 1 - December 31, January. A late fee (see Appendix B) will be applied to any unpaid bill starting the day after the due date and every month thereafter until paid in full. If there are successive overdue bills, penalties will be assessed separately. If an account is two months past due, a notice will be mailed "certified" that water service may be turned off 21 days thereafter. If the 21st day falls on any date from November 1st to April 1st, water turn off may be delayed to no earlier than April 2nd. This certified notice will indicate

that under New Hampshire law RSA 31:141, the Town has the authority to place a lien on the property as provided by RSA 38:22. Action to place a lien on the property will be initiated three months after the first due date.

5.4.2 Miscellaneous Bills. Charges for labor, materials, and other services requiring the active intervention of the Department of Public Works or its assigned contractors shall be issued upon completion of the work. Bills shall be paid within 30 days. Overdue charges shall be managed in the same manner as past due water/sewer bills.

5.4.3 Property Transfers.

5.4.3.1 Final Meter Readings Final meter readings shall be performed on the transfer of property to properly charge respective owners. The Town Bookkeeper is to be notified a minimum three workdays in advance of the closing to insure a meter reading and timely issuance of a final bill. The seller or their agent shall provide the date that the final bill is needed, to whom and to what address the bill should be provided, as well as the new owner's name and billing address so that the meter can be transferred to the new owner's account. The fee assessed for this service is listed in Appendix B. If no final meter reading is requested, it will be the responsibility of the buyer to pay all charges.

5.4.3.2 Backflow Prevention Devices If the departing property owner has been issued a permit for a backflow prevention device, the Superintendent of Public Works shall:

- (a.) Notify the new owner of the requirement to apply for a new permit and shall advise the frequency of testing, either annual (June) or semi-annual (June/December).
- (b.) Notify the contracted testing company of the changes in contact information.

Note: The provisions of the Town's cross-connection program are detailed in Appendix C.

5.5 Interruption of Service. The Department of Public Works reserves the right to shut off service temporarily whenever it becomes necessary to make extensions, alterations, or repairs, or to curtail the use whenever conditions require.

5.6 Claims for Damages. No person shall be entitled to damages, nor to have any portion of their charges abated or refunded for any stoppage of supply, occasioned by accident or repairs to the utility.

5.7 Inspections. Members of the Department of Public Works shall be allowed access to any customer's premises between the hours of 10:00am and 8:00pm for the examination of pipes, fixtures, connections, the quality of water, and the manner of use, **in particular, sump pump discharge.**

6.0 WATER UTILITY.

6.1 Source. Potable water is purchased from the City of Portsmouth, which gets its water from the Madbury surface reservoir and other wells. It is delivered to individual service pipes at standard working pressure (40 to 70 psi). Water quality is tested by the City of Portsmouth Water Division. In the event any quality standard is not achieved, New Castle water customers will be notified via mailed report.

6.2 Size and Service of Meters.

6.2.1 The minimum size of a new water service shall be 1 inch diameter, type K soft copper from the water main to the curb stop. Service from the curb stop to the house shall be type K soft copper or type CTS polyethylene tubing. Tracing wire and magnetic locating tape shall be used when installing CTS polyethylene tubing. Service lines must be designed to withstand 120 psi minimum pressure. The owner has the option to increase the size of the service line at owner expense subject to approval by the Superintendent of Public Works.

6.2.2 All water service is to be metered. There shall be at least one meter per property. All meters will be installed in a horizontal orientation and capable of being isolated by ball valves installed immediately before and after every meter. Upon request of a single-family residential customer, second meters are permissible for the purpose of metering irrigation water that will not be discharged to the municipal sewer system in accordance with the following provisions:

- (a.) Customer must apply and pay a new service fee. A “second meter” application form is available at Town Hall and on the Town website. See Appendix B for the current fee.
- (b.) No billing adjustments will be made for leaks or unwanted water usage.
- (c.) All **new home construction** will require that the second meter be installed in parallel with the feed to the primary house meter. For established homes, parallel installation is preferred, but serial installation will be permitted so long as the Superintendent of Public Works concurs. The Superintendent will inform the Town Bookkeeper of the plumbing arrangement for billing purposes.

6.2.3 Meters will be purchased from and maintained exclusively by the Department of Public Works. Owners are responsible for obtaining a plumbing permit and proper connection. Owners will be charged for any damage to meters caused by abnormal conditions such as negligence including freezing.

6.2.4 Owners shall provide a clean, dry, warm, and accessible place for location of the meter, as near as possible at the point of entrance of the service pipe to the building.

When the owner fails or neglects to furnish a suitable location for an inside meter, or where it is necessary or expedient to locate the meter in an underground box or vault, the owner shall consult with the Superintendent of Public Works regarding alternate solutions and bear the expense.

6.2.5 In case a meter fails to register the full amount of water consumed, the amount of the bill will be estimated by the Department of Public Works and the Town Bookkeeper based upon the use recorded during previous months. The Department of Public Works will test a meter for accuracy upon complaint of a customer. If the meter is found to be within +/- 2 percent of the true value, the customer will be charged for the test.

6.3 Installation, Maintenance and Repair.

6.3.1 The owner shall be responsible for installation, maintenance, and repair of the service line from the house side of the curb stop to the house. The Department of Public Works shall not be responsible for maintenance or repairs to any service pipe on the house side of the curb stop. The Town of New Castle shall not be liable for any damages resulting from leakage from any part of the owner's system which begins at the connection to the curb stop. The customer shall maintain his service pipe and attached fixtures in proper order and shall be responsible for any changes required thereto on account of change of grade, relocation of mains, or other conditions.

6.3.2 Underground service from the water main to the house shall be at least 48 inches deep and at least 10 feet from a sewer line unless a construction waiver is granted by the Superintendent of Public Works due to a hardship. At time of installation, at least 12 inches of pipe shall be left inside the foundation or wall for connection to house plumbing. The Town requires the use of American Water Works Association approved fittings. The Superintendent of Public Works shall inspect the installation of the underground service from curb stop to dwelling before any backfilling. In the event the trench is backfilled prior to inspection, it shall be re-excavated at owner's expense.

6.3.3 No person except those duly authorized by the Department of Public Works will tap any water main or connect any service pipes thereto. No unauthorized person shall shut off or turn on water from any main or curb stop. No person except firemen shall open any hydrants without the consent of the Department of Public Works.

6.4 Cross Connections.

6.4.1 Cross connections between the public water system and any non-potable source will not be allowed unless properly protected and approved by the Superintendent of Public Works. All customers shall comply with the New Hampshire Department of Environmental Services (DES) Code of Administrative Rules Part Env-Dw 505 *Backflow Prevention* and the New Castle Cross-Connection Control Program. Reduced Pressure Zone backflow preventer (RPZ) or Pressure Vacuum Breaker (PVB) devices will be installed where required. All backflow preventers are subject to inspection at minimum annually by the Superintendent of Public Works or his designated representative.

6.4.2 Backflow prevention devices shall be installed in the following high-risk locations:

- a. Yacht clubs and commercial wharfs.
- b. Resident Docks.
- c. Resident Swimming Pools.
- d. Resident Solar and Pressure Heating Systems. Not required if the systems are isolated from the town water supply.
- e. Outside Irrigation Systems
- f. Fire Suppression Systems

6.4.3 Program details pertaining to permitting, fees, installation, testing, and maintenance are contained in Appendix C of this document.

6.5 Turning Water Off or On. The Supervisor of Public Works is to be notified a minimum three workdays in advance of any request to turn water off or on. The current charge to shut off or turn on water service is specified in Appendix B.

7.0 SEWER UTILITY.

7.1 Sewer Agreement with the City of Portsmouth

7.1.1 The Town of New Castle will adhere to the guidelines published in the Sewer Agreement executed with the City of Portsmouth.

7.1.2 The Superintendent of Public Works shall provide to the City of Portsmouth, within 30 days of receipt, a copy of each application for any new sewer service or expansion of current service that has a reasonable likelihood to increase existing flows by more than 30%. Each application will identify each plumbing fixture and estimates of flow and peak demand. See paragraph 7.5.1 for specific application requirements. Portsmouth will review the data and notify New Castle if it believes the new connection is likely to cause an exceedance of the flows allowed in the Sewer Agreement.

7.2 Requirement to Use.

7.2.1 It shall be unlawful to discharge to any natural outlet within the Town, any sewage or other polluted waters. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for disposal of sewage. All sewage is to be disposed of via the Town sewer utility or via private septic system.

7.2.2 The owner of any existing property in violation of state pollution laws, and of any new construction abutting any street, alley, or Town right-of-way in which there is now located, or may in the future be located, a public sewer of the Town, is required at their expense to install suitable toilet facilities therein, and to connect such facilities to the public sewer in accordance with the provisions of this ordinance and RSA 147:8, within

90 days after date of official notice to do so, provided the public sewer is within 100 feet of the property line.

7.2.3 At such time as a public sewer becomes available to a property served by a private septic system, unless such private septic system is already in full compliance with the law, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private facilities shall be abandoned and filled with suitable material approved by the Department of Public Works. However, if and when the private septic system were to fail, the owner will not be allowed to remediate the system and will be required at that time to hook up to the public sewer system.

7.3 Prohibited Uses.

7.3.1 No person shall connect roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer which in turn is connected to a public sanitary sewer. It shall be unlawful to discharge subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the New Hampshire Department of Environmental Services (DES). Industrial cooling water or unpolluted process waters may be discharged on approval of the New Hampshire DES to a storm sewer or natural outlet.

NOTE: Discharging sump pumps into the municipal sewer system is strictly prohibited.

7.3.2 No person shall discharge any of the following to the public sewer:

- a. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Fluids or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, including but not limited to cyanide in excess of .004 gm/liter.
- c. Fluids or wastes having a pH lower than 5.5, or having any corrosive property capable of causing damage or hazard to equipment and personnel of the sewage works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups and milk containers, grease and fats, either whole or ground by garbage grinders.

7.3.3 No person shall discharge the following if it appears likely in the opinion of the Water and Sewer Commission that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. The Water and Sewer Commission will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and degree of treatability of wastes in the sewage treatment plant. Fluids or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other state or federal agencies are prohibited. They include:

- a. Any liquid or vapor having a temperature higher than 140 degrees F.
- b. Any fluids or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/liter or containing substances which may solidify or become viscous at temperatures between 32 and 140 degrees F.
- c. Any garbage that has not been properly shredded.
- d. Any fluids or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any fluids or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the City of Portsmouth.
- f. Any fluids or wastes containing phenols or other taste or odor-producing substances, in such concentration exceeding limits which may be established by the City of Portsmouth.
- g. Any radioactive wastes or isotopes of such half-life, or concentration as may exceed limits established by the City of Portsmouth in compliance with applicable state or federal regulations.
- h. Any fluids or wastes having a pH in excess of 9.5.
- i. Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues, or of dissolved solids such, as but not limited to, sodium chloride and sodium sulfate.
- j. Materials of excessive discoloration such as, but not limited to, dye wastes, and vegetable tanning solutions.
- k. Unusual biochemical oxygen demand (BOD), or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
- l. Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

7.3.4 If any waters or wastes are discharged, or are proposed to be discharged to the public sewer which, in the judgment of the Water and Sewer Commission may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or

which otherwise create a hazard to life or constitute a public nuisance, the Water and Sewer Commission may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

7.3.5 If the Water and Sewer Commission permits the pretreatment or flow equalization of waste flows, the design and installation of the equipment shall be subject to the review and approval of the Commission, and subject to the requirements of all applicable codes and laws and shall be maintained in satisfactory and effective operation by the owner at their expense.

7.3.6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Water and Sewer Commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private dwellings. All interceptors shall be of a type and capacity approved by the Water and Sewer Commission and shall be located as to be readily and easily accessible for cleaning and inspection. Inspections will be conducted at least quarterly and **“No Notice” inspections are permitted at the discretion of the Superintendent of Public Works.**

7.3.7 When required by the Water and Sewer Commission, the owner of any property serviced by a building sewer carrying industrial wastes or liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients shall install a control manhole together with such necessary meters and other equipments in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible, safely located, and shall be constructed in accordance with plans approved by the Water and Sewer Commission. The manhole shall be installed by the owner at his expense and maintained so as to be safe and accessible at all times.

7.3.8 All measurements, tests, and analyses of the waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfall of a premises is appropriate or whether a grab sample(s) should be taken. Normally, but not always,

BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

7.3.9 No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment by the industrial concern.

7.4 Pump Stations. Sewage is collected by gravity into three pump stations:

- Quarterdeck Lane, which pumps to River Road
- Steamboat Lane, which pumps to River Road
- River Road, which pumps to the Peirce Island Waste Water Treatment Plant in Portsmouth

7.5 Application for Public Sewer Service.

7.5.1 Each application for the use of sewer shall be made to the Water and Sewer Commission on the prescribed form available at Town Hall and on the Town's website. An application is necessary for original installation and any subsequent replacement. The application fee is specified in Appendix B. The application shall be supplemented by appropriate plans and drawings. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing, and backfilling the trench, shall be noted on an "Exhibit A" of the application, and all shall conform to the requirements of current building and plumbing codes and/or other applicable rules and regulations of the New Hampshire DES and the Town.

7.5.2 In the absence of code of provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) shall apply. Any deviation from prescribed procedures or materials must be approved by the Water and Sewer Commission before installation.

7.5.3 If the Water and Sewer Commission or Supervisor of Public Works decides that a registered engineer needs to review the plans, the developer/owner shall pay the cost of employing the engineer for any fees of review, inspection or test deemed necessary.

7.5.4 Trenching and plumbing permits will likely be required. The property owner or his contractor shall confer with the Superintendent of Public Works and/or the Plumbing Inspector to confirm.

7.6 Service Connection Requirements.

7.6.1 General.

7.6.1.1 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss

or damage that may be occasioned by the installation of the building sewer. The owner shall be obligated to pay any costs and expenses of operation, repairs, and maintenance, and of reconstruction if needed, of the building sewer incident to, and including, the connection to the public sewer.

7.6.1.2 A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is permissible, and a sewer line cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such a circumstance, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, when such connection is detailed on a permit application and approved by the Water and Sewer Commission.

7.6.1.3 Old building sewers may be used in connection with any buildings only when they are found on examination and test by the Department of Public Works to meet all requirements of this ordinance.

7.6.1.4 To prevent concealment of illegal connections under slab, the building sewer shall be brought to the building at an elevation of at least 12" above the basement floor. The Water and Sewer Commission may grant an exception to this requirement in the case of slab-on-grade construction. To request an exception, the owner/contractor must submit a letter to this effect to the Commission. If approved, the Superintendent of Public Works or his designated representative will inspect the building sewer lines prior to slab pour and will be present at the beginning of pour. Three business days advance notice to the Superintendent is required.

7.6.1.5 Sewer lines shall be at least 48" deep and at least 10' from a water line unless a special construction waiver is granted by the Superintendent of Public Works due to a hardship. All piping is to be installed below the frost line or a minimum 48" below grade level. Six inches of fine bank-run gravel, screened gravel, or granular fill shall be compacted under and over the pipe. Long sweeping elbows are to be used where possible. The entire line when completed shall be gas tight and watertight. If a sewer tie-in is not available, a core bit with pilot drill shall be used to cut into the asbestos cement sewer main. A universal saddle "Y" shall be connected to the sewer main at pipe cross sectional location of 11:00 or 1:00 o'clock. A newly installed sewer service shall be left uncovered until it has been inspected by the Superintendent of Public Works; 48 hours' notice is required for all inspections. In the event the trench is backfilled prior to inspection, it shall be re-excavated at owner's expense.

7.6.1.6 Sewer connections to manholes are prohibited except under special exemption approved by the Water and Sewer Commission.

7.7 Gravity Main Single Connections. SDR 35 plastic bell and spigot PVC pipe, 4" minimum diameter, shall be used for underground service. Cast iron or schedule 40 PVC one size larger can be used as a sleeve through the foundation.

7.8 Forced Main Connections.

7.8.1 A holding tank shall contain a pump and be made of concrete with a minimum capacity of 500 gallons. A check valve or backwater flap valve shall be placed in the tank on the inlet pipe from the house. The tank shall be vented to the atmosphere.

New technology grinder pumps with self-contained holding tanks may be allowed subject to approval of the Superintendent of Public Works and the Water and Sewer Commission. Property owners bear full responsibility for any damage caused by such equipment to the sewer utility, or to the environment, in the event of a failure, notably protracted power loss.

Any exception to these requirements must be approved by the Superintendent of Public Works and the Water and Sewer Commission.

7.8.2 The pump should be a submersible sewage type that can handle 2” solids, or a submersible grinder type. The applicant will consult with the Department of Public Works to determine the pump’s minimum discharge pressure.

7.8.3 The pipe from the holding tank to the forced main shall be type K soft temper copper having a minimum diameter of 2” designed to withstand 30 psi. The pipe shall have a long radius bend to allow for stresses and ground settlement. A check valve shall be installed between the forced sewer main and the pump. A corporation with saddle and shut off shall be installed at the forced main. A shut-off valve shall also be placed at the property line.

7.9 Installation, Maintenance and Repair. The homeowner owns the piping from building to the sewer main and is therefore responsible for all charges relating to the sewer connection. Repairs and/or modifications to a sewer line and street are the responsibility of the owner.

7.10 Quarterly Billing. Customers who receive water from the City of Portsmouth will be billed for sewer usage based on the water meter readings provided by Portsmouth and will be on the same quarterly schedule as indicated in the “Ordinance Elements in Common” section, except that usage is billed the second month following the end of a quarter. That is, usage between: January 1 - March 31 will be billed in May; April 1 - June 30, August; July 1 – September 30, November; and October 1 – December 31, February.

7.11 Claims for Damages. No person shall be entitled to damages, nor to have any portion of their charges abated or refunded for any stoppage occasioned by accident or repairs to the sewer utility. The Town shall not be responsible for maintenance or repairs to any sewer pipe on the owner side of the sewer main. The Town will not be liable for any damages resulting from leakage from any part of the user's system and is not responsible if check valves fail and sewage is pumped back into private lines. The customer shall maintain his sewer pipes and attached fixtures in proper order and shall make any changes required thereto on account of change of grade, relocation of sewer mains or other conditions.

7.12 Private Septic.

7.12.1 Where public sewer is not available, the building sewer shall be connected to a private septic system. The elements of the system shall comply with all regulations of the New Hampshire Department of Environmental Services (DES) and all permits shall have prior approval of the DES before work begins. No statement in this section shall be construed to interfere with any additional requirements that may be imposed by DES or the Town building inspector who has exclusive oversight of private septic systems.

7.12.2 At such time as a public sewer becomes available to a property served by a private septic system, unless such private septic system is already in full compliance with the law, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private facilities shall be abandoned and filled with suitable material approved by the Department of Public Works. However, if and when the private septic system was to fail, the owner will not be allowed to remediate the system and will be required at that time to hook up to the public sewer system.

7.12.3 The owner shall operate and maintain their private septic system in a sanitary manner at all times at no expense to the Town.

7.13 Access to Easements. The Water and Sewer Commission and other authorized employees of the Town shall be permitted to enter private properties through which the Town holds a negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work shall be done in accordance with the terms of the negotiated easement.

Appendix A

Definitions

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

Biochemical Oxygen Demand (BOD): the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20 degrees Celsius, expressed in milligrams per liter.

Commissioners: members of the Water and Sewer Commission of the Town of New Castle, or their authorized deputy, agent, or representative.

Building Drain and Building Sewer: See **House Drain** and **House Sewer**.

Combined Sewer: a sewer receiving both surface runoff and sewage.

Garbage: solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

House Drain: that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to 8 feet outside the outer face of the building wall.

House Sewer: the extension from the building drain to the public sewer or other place of disposal including that portion of the line on public property.

Industrial Wastes: the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Natural Outlet: any outlet into a watercourse, marsh, pond, ditch, lake, or other body of surface or groundwater.

Person: any individual, firm, company, association, society, corporation, or group.

pH: the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Plumbing Inspector: the person employed by the Town of New Castle to inspect plumbing or his authorized deputy, agent, or representative.

Properly Shredded Garbage: the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½" in any dimension.

Public Sewer: a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Sanitary Sewer: a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sewage: a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters, as may infiltrate.

Sewage Treatment Plant: any arrangement of devices and structures used for treating sewage.

Sewage Works: all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer: a pipe or conduit for carrying sewage.

Shall is mandatory; **May** is permissive.

Slug: any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

Storm Drain (sometimes termed **storm sewer**): a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended Solids: solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are only removable by laboratory filtering.

Watercourse: a channel in which a flow of water occurs, either continuously or intermittently.

Appendix B

Schedule of Fees and Fines

Fines, for both water and sewer separately: Up to \$500.00 per violation per day until the violation is rectified.

Supplementary services requiring the services of the Town's employees will be billed to the owner.

Utility bills past due: A \$20.00 late fee is assessed the first day after the due date. An additional \$20.00 late fee is assessed every month thereafter until paid in full. Successive overdue bills will be assessed late fees separately. If as a result of non-payment, water service is turned off, the fee to restore service will be \$80.00, \$40.00 to turn it off and an additional \$40.00 to turn it back on. Billed **supplementary services** which are not paid on time will incur the same late fees.

Other fees and charges include, but are not limited to:

1. Water service application fee: \$100.00
2. Water connection fee (new/expanded property): \$150.00 + cost of meter and any ancillary components. Actual connection is to be performed under the supervision of Public Works personnel by an approved, licensed contractor at property owner expense.
3. Second water meter service for irrigation application fee: \$100.00
4. Second water meter service for irrigation connection fee: \$150.00 + cost of meter and any ancillary components. Actual installation of the meter is to be performed by an approved, licensed plumber at property owner expense.
5. Fire service fee if provided by a separate service line: \$15.00 per quarter.
6. Sewer service application fee: \$100.00
7. Sewer connection fee (new/expanded property or transition to Town utility): \$150.00. Actual connection is to be performed under the supervision of Public Works personnel by an approved, licensed contractor at property owner expense.
8. Accessory Dwelling Unit (ADU) service application: \$100.00
9. Property Transfer meter reading: \$40.00
10. Turning water service ON or OFF: \$40.00
11. City of Portsmouth Capacity Use Surcharge Fee, whether for water or sewer:
Because the New Castle water and sewer utilities are connected to the City of Portsmouth water and sewer systems, Portsmouth can unilaterally impose, on a case-by-case basis, "capacity use surcharge fees" incident to new or expanded water or sewer service. If imposed, these surcharge fees will be borne by property owners. The fees are water meter size dependent. As of spring 2023, for a 1"

- meter, the fees were \$1,434.00 for water and \$3,985.00 for sewer. Surcharge fees for larger meters are commensurately higher.
12. Backflow Prevention Device Permit: \$40.00, valid for five years and renewable at five years.
 13. Backflow Prevention Device Test or Retest: Contracted company charge in effect.
 14. Meter Accuracy Test Requested by Property Owner: Prevailing testing company charge if meter proves to be accurate.
 15. Meter Replacement Fee: As determined and/or adjusted by the Commission to replace meters every 10 years. Dependent on meter size and billed quarterly.

The listed fees are those in effect at the time the ordinance was signed. All fees are subject to change annually as costs to operate and maintain the utilities increase. They may change by amendment to the ordinance, or as may be approved by the Select Board during review/update of Town fees.

Appendix C

New Castle Cross-Connection Control Program

1. Scope.

1.1 Cross-Connections between water supplies and non-potable sources of contamination are significant threats to the health of the public water supply. This program is designed to maintain the safety and potability of the water in the New Castle water system by establishing rules and procedures to prevent the contamination of public drinking water by the backflow of water or other fluids. This appendix mimics a cross-connection program template drafted by the New Hampshire Department of Environmental Services (NHDES).

1.2 Purpose.

1.2.1 The purpose of this program is:

- (1) Protect the public water supply of the New Castle water system from the possibility of contamination by isolating contaminants which could backflow or back-siphon into the public water system;
- (2) Promote the elimination or control of cross-connections, actual or potential, between New Castle's drinking water system(s) and anything that could contaminate or pollute it; and
- (3) Provide a local cross-connection control program to effectively prevent the contamination or pollution of all drinking water systems.

1.3 Authority.

1.3.1 This document:

- (1) Supplements the New Castle Water and Sewer Ordinance; and
- (2) Implements New Hampshire Administrative Rule Env-Dw 505, or subsequent rules, *Backflow Prevention*.

2.0 Administration.

2.1 The City of Portsmouth provides the Town of New Castle with potable water. Pursuant to the removal in January 2020 of check valves at Shapleigh Island and at the intersection of Main St and Wentworth Rd., the New Castle water system effectively became an extension of the Portsmouth water system and thus must follow the New Hampshire Administrative Rule Env-Dw 505, or subsequent rules, *Backflow Prevention* which apply to the city.

2.2 In the Town of New Castle, the Superintendent of Public Works is charged with the responsibility to oversee and manage the Town's cross-connection program.

2.3 Lacking the resources and specific expertise to administer and execute the details of a cross-connection program, the Town has contracted with a licensed and bonded commercial company (the “contracted company”) to provide essential survey, assessment, inspection, testing, and administrative support services for state mandated reporting.

3. Definitions.

3.1 Approved Backflow Prevention Device. A backflow prevention device that has been manufactured to allow for accurate testing and inspection to allow verification of performance and has been tested and approved by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.

3.2 Auxiliary Water Supply. Any water supply on or available to the premises other than that supplied by the New Castle water system.

3.3 Backflow. The flow of water or other fluids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended approved source of supply.

3.4 Backflow Preventer. A device or means designed to prevent backflow or back-siphonage.

3.4.1 Air Gap. A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a vertical distance equal to twice the diameter of the supply pipe but not less than one inch.

3.4.2 Atmospheric Vacuum Breaker. A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

3.4.3 Barometric Loop. A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water systems to protect against back-siphonage.

3.4.4 Double Check Valve Assembly. An assembly of two independently operating spring-loaded check valves with tightly closing shut-off valves on each side of the double check valve and properly located test cocks for the testing of each check valve.

3.4.5 Dual Check Valve with Intermediate Atmospheric Vent. A device having two independently operating spring-loaded check valves separated by an atmospheric vent chamber.

3.4.6 Hose Bibb Vacuum Breaker. A device which is connected to a hose bibb which acts as an atmospheric vacuum breaker. Not to be used under constant pressure.

3.4.7 Pressure Vacuum Breaker (PVB). A device containing one or two independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check valve(s). The device includes tightly closing shut-off valves on each side of the check valve(s) and properly located test cocks for the testing of the assembly.

3.4.8 Reduced Pressure Zone Backflow Preventer (RPZ). An assembly consisting of two independently operating spring-loaded check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves, and properly located test cocks for the testing of the check valves and the relief valve.

3.4.9 Residential Dual Check. An assembly of two spring-loaded, independently operating check valves. Generally employed immediately downstream of the water meter to act as a containment device in a single- or two-family residence.

3.5 Backpressure. A condition in which the owner's system pressure is greater than the supplier's system pressure.

3.6 Back-Siphonage. The flow of water or other fluids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source caused by the sudden reduction of pressure in the public water system.

3.7 Containment. A method of backflow prevention which requires a backflow prevention device at the water service entrance.

3.8 Contaminant. A substance that may impair the quality of the water creating a potential health hazard to the public.

3.9 Cross-Connection. Any actual or potential connection between the public water system and any source of contamination or unapproved water source.

3.10 Fixture Isolation. A method of backflow prevention in which a backflow preventer, such as a hose bibb or an atmospheric vacuum breaker, is located to correct a cross-connection at an in-plant location rather than at a water service entrance. This protects the drinking water in the building.

3.11 Owner. Any person who has legal title to, or license to operate or inhabit in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection may be present.

3.12 Person. Any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

3.13 Superintendent of Public Works. The official in charge of the New Castle public water system who is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

3.14 Water Service Entrance. That point in the owner's water system beyond the sanitary control of the water supplier; generally considered to be the outlet end of the water meter or where the water service first enters the building.

3.15 Water Supplier. The public water utility.

4. Degree of Hazard.

4.1 The New Castle public water system recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices for high and low hazards.

4.2 Low Degree of Hazard. If backflow were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be non-toxic to humans.

4.3 High Degree of Hazard. If backflow were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans from either a chemical, bacteriological, or radiological standpoint. The effects of the contaminants may result from short- or long-term exposure.

4.4 Acceptable Backflow Prevention Devices. Pressure vacuum breakers (PVB) may be allowed for outside irrigation systems so long as they are installed no less than 12 inches in elevation above the highest point of use and any downstream piping supplied from the assembly and beyond the initial containment device; otherwise, a reduced pressure zone backflow preventer (RPZ) must be installed. For other applications such as pools, wharves, fire suppression systems, or questionable device appropriateness, a contracted company representative will have to assess the risk to determine what device(s) will be acceptable. Charges for such assessments will be borne by the property owner. Existing backflow devices in place before the implementation of this program will be allowed to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or unless an unreasonable risk to the public health results. The contracted company may be consulted for an assessment at the expense of the property owner

5. Responsibilities.

5.1 Town of New Castle.

The Town must comply with all applicable state law and regulations, and report compliance annually to NHDES.

5.2 Superintendent of Public Works.

5.2.1 The Superintendent of Public Works shall be responsible for the protection of the Town's potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollution through the water service connection. If, for the safety of the Town water system, the Superintendent adjudges that a backflow prevention device is required at the water service connection to any customer's premises, or to any subordinate component of the premises such as an irrigation system, pool, fire suppression system, or wharf, the Superintendent shall give notice, in writing, to the customer to install an approved backflow prevention device at each service connection to his premises.

5.2.2 The Superintendent of Public Works shall inform the owner in writing of any failure to comply with the provisions of this ordinance. The owner will have 30 days from the date of the letter for the correction to be made. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question. If upon re-inspection/testing the owner has not complied, the Superintendent may allow an additional 15 days for the correction. In the event the owner fails to comply with the necessary correction by the time of the second re-inspection/test, the Superintendent will inform the owner, by certified letter, that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event the owner informs the Superintendent of extenuating circumstances as to why the correction has not been made, the Superintendent may grant an extension.

5.2.3 If the Superintendent of Public Works determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.

5.2.4 The Superintendent of Public Works will inform the contracted company of all newly permitted installations so that survey/inspection and testing may be completed and will similarly apprise the Town Bookkeeper for billing purposes as applicable.

5.2.5 The Superintendent of Public Works shall develop locally adopted backflow preventer installation guidelines to ensure they are installed in a manner consistent with their listing and accessible for periodic testing and maintenance.

5.2.6 The New Castle Plumbing Inspector will review and permit if compliant, all plans submitted for water installations.

5.3 Contracted Cross-Connection Company.

5.3.1 Company backflow prevention device inspectors must be certified through the New England Water Works Association (NEWWA) Certified Backflow Prevention Device Inspectors/Testers Program.

5.3.2 The company will contact property owners to schedule any survey or assessment of need for protective devices and provide inspection and testing of backflow prevention devices.

5.3.3 The contracted company will report inspection and testing results via invoice to the Town Bookkeeper and Superintendent of Public Works which will include information of any failed tests. In turn, the Superintendent will contact the company for an assessment of the failure, how the deficiency can be corrected and a reasonable time within which the correction can be made. The Superintendent will then inform the owner of a failed test in accordance with paragraph **5.2.2**.

5.3.4 The contracted company will generate for the Town the annual NHDES compliance report and deliver it in time for the Superintendent to meet the mandated April 1st deadline.

6. Owner.

6.1 The owner shall be responsible for the elimination or isolation of any contaminant with the proper installation of an approved backflow prevention device commensurate with the degree of hazard, for all cross-connections on his premises.

6.2 The owner shall allow the Superintendent of Public Works, or his designated representative, including representatives of the contracted company, to inspect their property for possible cross-connections during normal working hours. "Normal working hours" are defined as 8:00 a.m. to 4:00 p.m. Monday through Friday.

6.3 If, for the safety of the Town water system, the Superintendent adjudges that a backflow prevention device is required at the water service connection to any owner's premises, or to any subordinate component of the premises such as an irrigation system, pool, or wharf, the Superintendent shall give notice, in writing, to the owner to install an approved backflow prevention device at each specified location on his premises. The customer shall, within 90 days, install an approved device or devices (see paragraph **3.4**) at their own expense. Failure, refusal, or inability on the part of the owner to install said device or devices within 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed.

6.4 The owner will apply and pay associated fees, for:

- (1) A cross-connection permit from the Superintendent of Public Works as required by NHDES.
- (2) A Plumbing permit if there will be any alteration or extension of the property's plumbing.
- (3) If applicable, a permit for a second meter from the Water and Sewer Commission.

6.5 The owner shall, at their expense, install, maintain, and permit inspection or testing of all backflow preventers on their premises. The owner shall correct any deficiency of a backflow preventer which is revealed by inspection or testing. This shall include the replacement of parts or the replacement of the backflow preventer, if deemed necessary by the Superintendent of Public Works .

6.6 The owner shall inform the Superintendent of Public Works of any proposed or modified cross-connections and existing cross-connections of which the owner is aware but has not been found by the Superintendent of Public Works or the contracted cross-connection company.

6.7 The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners who cannot shut down operations for inspecting of the device(s) must supply additional devices necessary to allow inspecting to take place.

6.8 Any owner having a private well or other private water source must ensure that no cross-connection occurs between the private water source and the public water system.

7. Permits.

7.1 Cross-connection permits are required for each backflow prevention device. The property owner will apply for a permit from the Superintendent of Public Works. Permit applications are available at

Town Hall and on the Town website. Fees for the initial permit and its renewal are listed in Appendix B of the basic Water and Sewer Ordinance.

7.2 Cross-connection permits shall be renewed every five years and are non-transferable. Permits are subject to revocation and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service type of device, replacement of device with a new device, or change of ownership.

8. Periodic Testing.

8.1 Backflow prevention devices shall be inspected and tested at the owner's expense by a contracted company provided, NEWWA certified inspector at least semi-annually for high hazard devices and annually for low hazard devices. The determination of test frequency will be made by the contracted cross-connection company. Backflow prevention devices may be inspected more frequently in cases where there is a history of test failures and the Superintendent of Public Works feels that due to the degree of hazard involved, additional inspections are warranted. The cost of additional inspections will be borne by the owner.

8.2 Testing will be performed during normal business hours. Exceptions to this, when at the request of the owner, may result in additional charges to the owner.

8.3 Any backflow preventer which fails a test shall be repaired or replaced. When repairs are necessary, upon completion of the repair the device shall be retested a second time at the owner's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the test date will be established. The owner is responsible for spare parts, repair tools, and/or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service is provided during inspections or repair of devices and is strongly recommended when the owner desires such continuity.

8.4 Backflow preventers shall be repaired or replaced at the expense of the owner whenever said devices are found to be defective. The contracted company may submit a proposal to the owner for the repair or replacement. However, the owner is not obligated to use the contracted company. The owner may choose any properly licensed and certified provider; but if they do so, the device will still have to undergo (re)testing by a contracted company inspector at the owner's expense. Tests and repairs shall be recorded on contracted company forms, and copies shall be distributed to the owner and Superintendent of Public Works.

9. Records and Reports.

9.1 Records. The Superintendent of Public Works will maintain the master files on customer cross-connection permits, tests, and repairs.

9.2 Reports. Though the contracted cross-connection company generates the annual Town compliance report, it is the Town's responsibility to approve the report and send it to NHDES no later than 1 April of the following year. The Superintendent of Public Works is responsible for the accuracy of the report

and its delivery to NHDES. The report describes testing conducted during the previous calendar year and includes the following:

- (1) The total number of permitted cross connections that existed at the water system at the end of the year for which the report is being filed; and
- (2) The following information for each backflow prevention device:
 - (a) The permit number of the backflow prevention device.
 - (b) The name of the owner of the backflow prevention device.
 - (c) The location of the backflow prevention device.
 - (d) The date of each inspection and test performed during the year of reporting.
 - (e) The name, certifying organization, and certification number of the certified backflow prevention device inspector who performed the inspection and test on the device.
 - (f) The result of each inspection and test; and
 - (g) If the inspection or test result is unsatisfactory, the date at which the backflow prevention device was found to be satisfactory following a subsequent inspection and test in that calendar year period.

10. Fees and Charges.

10.1 Some fees or charges are assessed by the Town, others by the contracted cross-connection company. All fees and charges are borne by the property owner.

10.2 Fees or charges will be assessed for the following:

- (1) Backflow prevention device permit and renewal of permits.
- (2) Contracted company device assessment vs. degree of hazard: Prevailing company charge.
- (3) Any inspection/survey and reinspection (if required): Prevailing company charge.
- (4) Device testing.
- (5) Device retesting in the event of a failed test: Prevailing Company charge.

10.3 Charges for after-hours inspections, assessments or tests will be at the prevailing company charge. “Normal working hours” are defined as 8:00 a.m. to 4:00 p.m. Monday through Friday.

Appendix D

Amendment History

Amendments take effect upon approval by the Select Board, the ordinance authority.

1. _____

2. _____

3. _____