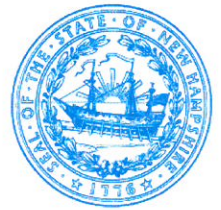




The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

March 16, 2020

City Council  
41 Green Street  
Concord NH 03301

RE: Concord Wastewater Treatment Facility

Dear City Council:

The New Hampshire Department of Environmental Services (NHDES) is beginning a process to revise and readopt Env-Wq 305, Pretreatment of Industrial Wastewater rules (Rules). NHDES has reviewed the existing Rules and determined that certain revisions will allow for a more uniform and effective implementation of the Rules throughout the state, leading to enhanced industrial pretreatment outcomes for all stakeholders.

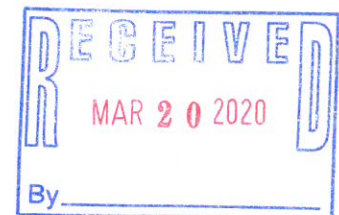
The contemplated revisions directly affect those municipalities in the state that own and operate publically owned treatment works (POTW), by adjusting how these municipalities regulate the industrial users that discharge wastewater to their POTW. Since this is the case, before NHDES begins the formal rulemaking process it is seeking comment from affected municipalities on the contemplated revisions.

Enclosed with this letter is an outline of the contemplated revisions to the Rules, and the anticipated benefits and impacts. Please review these revisions in the context of your particular municipality, and provide any comment to the undersigned within **ninety (90) days** of this letter. You will have another opportunity to comment on the Rules once the formal rulemaking process starts, but providing comments ahead of time will allow us to consider your views as we prepare the proposed text.

Sincerely,

Alexis Rastorguyeff, PE  
Wastewater Engineering Bureau  
Industrial Pretreatment Supervisor

Encl: Env-Wq 305 Rule Revision Matrix



Env-Wq 305 Rule Revision Matrix

Contemplated Revision	Potential Benefit/Impact
Revise Env-Wq 305.04(k) to read: "A requirement that any discharge permit issued shall include the conditions identified in Env-Wq 305.17(b)305.18 ;".	Clarity/None
Revise Env-Wq 305.18(c) to read: "The general and specific <i>conditions and</i> prohibitions from the sewer use ordinance that apply to the discharge;"	
Revise Env-Wq 305.18(l) to read: "Applicable definitions and special conditions from the sewer use ordinance;"	
Add Env-Wq 305.17(d): "The municipality shall provide the department a copy of the discharge permit issued to the indirect discharger in accordance with (c) above, and any subsequent renewal."	This will improve the tracking of active IU in non-approved municipalities; both by the municipality and DES. It is not uncommon for an IU in a small municipality to forget to renew the permit, especially when the IU or municipality undergoes changes in management staff.
Revise Env-Wq 305.10(a) to read: "...or changing any characteristics of the discharge, such as <i>discharge location</i> , pollutant concentration or characteristics, if such discharge:".	This will assure the municipality and DES is aware of changes of an IU location within a municipality, and help prevent expansions of IU operations flying under the radar.
Revise Env-Wq 305.18(c) to read: "The general and specific <i>conditions and</i> prohibitions <del>from the sewer use ordinance</del> that apply to the discharge, <i>from:</i> "	This will still rely on the municipality to be the lead in any regulatory action, but it will clearly require that the department's approval conditions be included in the discharge permit issued by the municipality.
Add Env-Wq 305.18(c)(1): "The sewer use ordinance; and"	
Add Env-Wq 305.18(c)(2): "The department's approval of the discharge request."	
Revise Env-Wq 305.04 <u>Municipal Sewer Use Ordinance</u> to read " <i>The municipality shall develop and maintain a sewer use ordinance. Subject to Env-Wq 305.07, in order to be approvable...</i> "	RSA 149-I:6 doesn't require a municipality to develop a SUO, it only allows it. As part of federal grant monies awarded back in the 80's for construction of POTWs, there was a requirement for an initial SUO in all affected municipalities; and all 13 federally approved pretreatment POTWs must have and maintain a SUO according to federal rules.
Add Env-Wq 305.18(q): "Notification that the state may take direct action against the indirect discharger to enforce the provisions of Env-Wq 305.01."	This will require that any permit issued by a municipality clearly indicate that the state could take primacy in permit enforcement. See RSA 485 A:5 IV

### Env-Wq 305 Rule Revision Matrix

Contemplated Revision	Potential Benefit/Impact
Add Env-Wq 305.17(e): "The municipality shall enforce the conditions of the discharge permit in accordance with RSA 485-A:5 III."	This clarifies that the municipality needs to enforce the permit, in accordance with existing law.
Add Env-Wq 305.04(n): "A requirement that at least once a year the municipality sample and/or inspect the discharger for compliance with the discharge permit."	Complements Env-Wq 305.17(e) above.
Add Env-Wq 305.22: " <u>Discharge Request Submission, Processing, and Approvals: EPA Approved Pretreatment POTW.</u> Any applicant having an existing or proposed discharge to an EPA Approved Pretreatment POTW (Claremont, Concord, Derry, Dover, Jaffrey, Keene, Manchester, Merrimack, Milford, Nashua, Rochester, Somersworth - as ammended) shall comply with the applicable requirements of the respective POTW per 40 CFR 403."	Removes DES oversight of industrial users in these communities.
Revise Env-Wq 305.04(j) to read: "A requirement that each significant indirect discharger obtain a discharge permit in accordance with Env-Wq 305.10 through Env-Wq 305.16 <i>and</i> Env-Wq 305.22 , as applicable,".	