

ORDINANCE: **RESTRICTING LAND APPLICATION OF SEWAGE BIOSOLIDS:**

SECTION I : PURPOSE:

The Windham Board of Selectmen, acting as a Board of Health under the provisions of RSA 147, has determined that the public health and welfare of the residents of Windham would be served by adoption of the following regulations relating to disposal of Sewage Biosolids within the Town. In reaching this determination, the Board has noted:

- A) That there are no public water systems within the Town, limited private water systems and that a majority of its residents rely on individual groundwater wells for drinking water;
- B) That the level of residential development within the Town has severely limited the amount of agricultural activity within the community, and has resulted in residential uses throughout the community;
- C) The lack of effective means of preventing the general public from entering areas where ground application of Sewage Biosolids may occur.

All of these factors, taken together, are deemed to support the issuance of the following regulations.

SECTION II : AUTHORITY:

Authority of the Board of Selectmen to issue these regulations is derived from RSA 147:1.

SECTION III : DEFINITIONS:

Unless the context indicates otherwise, the following definitions shall apply to the Ordinance:

- A) *Disposal* means the final discharge, deposit, injection, dumping, mixing, spilling, leaking, incineration, or placing of sludge into or onto any land such that the sludge or any constituent thereof could enter the environment, be emitted into the air or be discharged into any surface water or groundwater. Disposal includes land application.
- B) *Sewage Biosolids* means “biosolids” as defined by RSA 485-A:2,XXII, namely “any sludge derived from a sewage wastewater treatments plant that meets the standards for beneficial reuse specified by the department”
- C) *RSA* means Revised Statute Annotated of the State of New Hampshire.
- D) *Class A Biosolids* means biosolids that are class A with respect to pathogens under 40 CFR part 503.32(a)(3), and meets one of the vector attraction reduction requirements of 40 CFR part 503.33(b)(1) through (b)(8).

E) "Class B Biosolids" means biosolids that are class B with respect to pathogens under 40 CFR part 503.32(b) and meets one of the vector attraction reduction requirements of 40 CFR part 503.33(b)(1) through (b)(11).

F) "CFR" means the Code of Federal Regulations.

SECTION IV : PROHIBITED:

The disposal of Class B Biosolids in the Town of Windham, New Hampshire is prohibited.

SECTION V : VIOLATIONS:

Any person who violates or fails to comply with any of the provisions of this ordinance shall be liable for the fines and penalties as provided for in RSA 676:17. Additionally, the Town may pursue the injunctive relief as provided for in RSA 676:15 together with reimbursement of costs and attorney's fees, all as provided for under law. References to statues above is assumed to include successor enactments by the legislature on the same subject.

SECTION VI : AMENDMENTS:

This policy may, from time to time, be amended by the Board of Selectmen acting as the Board of Health, provided the proposed changes are posted in at least two (2) public places, and in a newspaper of general circulation at least fourteen (14) days prior to a public hearing on the proposed changes.

Adopted - September 11, 1995

Edward J. Milan
Douglass L. Barker
Galen A. Stearns
Elizabeth A. Dunn
Ralph R. Williams
Board of Selectmen

Re-codified and affirmed by the Board of Selectmen - May 11, 1998

Charles E. McMahon
Douglass L. Barker
Carolyn B. Webber
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Board of Selectmen

Amended by the Board of Selectmen - November 9, 1998

Phil LoChiatto
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Roger Hohengerger
Ross McLeod
Al Letizio
Board of Selectmen

Amended by the Board of Selectmen - November 18, 2013