

BIOSOLIDS AND RESIDENTIAL SEPTAGE REGULATIONS

A. Purpose

The purpose of these Regulations is to promote and insure the public health and safety of the citizens of the Town of Chester under the provisions of RSA 147, by imposing additional requirements more stringent than the requirements set forth in 40 CFR 503.1 et seq. See 40 CFR 503.1(b). Furthermore, it is the intent of these regulations to promote the continued use and viability of agricultural farm land and protect aquifer areas and their recharge areas, while at the same time provide for protection from offensive odors and for proper vector control of potential pathogens. If at any time the Federal Government, State of New Hampshire, and/or the County of Rockingham adopts more stringent requirements than the corresponding requirements of these Regulations the more stringent requirements shall control.

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

1. There are no public water systems within the town and all of its residents rely on groundwater wells for drinking water as per the Master Plan.
2. The lack of effective means of preventing the general public from entering areas where ground application of biosolids may occur.
3. The level of residential development within the town has severely limited the amount of agricultural activity within the community.
4. All of these factors, taken together, are deemed to support the issuance of the following regulations:

B. Authority

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

C. Definitions

The words and terms of these Regulations shall be defined as set forth in the 1994 edition of 40 CFR 503.1 et seq. The following additional terms shall be incorporated into this ordinance:

Class B: For the purpose of these Regulations, this classification refers to a specific level of pathogen reduction in biosolids.

Land Application: Land application includes all forms of applying bulk or bagged biosolids or liquid domestic septage to land for beneficial uses at agronomic rates (rates designed to provide the amount of nitrogen needed by the crop or vegetation grown on the land while minimizing the amount that passes below the root zone). These include application to: agricultural land such as fields used for the production of food, feed and fiber crops, pasture and range land; non-agricultural land such as forests; public contact sites such as parks and golf courses; disturbed lands such as mine spoils, construction sites and gravel pits; and home lawns and gardens. The sale or give away of biosolid products (such as composted or heat dried products) is addressed under land application, as is land application of domestic septage.

Stockpiling: The storage, treatment or reservation of quantities of biosolids.

D. Uses

1. Prohibited

The use and disposal of biosolids and domestic septage, including, but not limited to, the stockpiling, treatment, and land application of biosolids and/or septage is hereby prohibited within the Town of Chester, New Hampshire except as otherwise noted in this ordinance.

2. Exemptions

The following operations or activities shall be exempt from these Regulations:

- a. The hauling and/or transportation of biosolids and domestic septage over municipal roads;
- b. The operation of a waste and/or sludge management facility as permitted under RSA 485-A and/or RSA 149-M;

- c. The use of Class A, composted materials for residential lawn and garden applications;
- d. Municipal septage lagoons, as permitted under RSA 485-A;

3. Allowed Uses

- a. Land application of Class A & B biosolids and alkaline stabilized septage may be used for agricultural uses provided Federal Regulations of 40 CFR 503.1 et seq. and the University of New Hampshire Cooperative Extension. Best Management Practices - Biosolids dated June, 1995, are met. A written permit will be issued by the Health Officer and Board of Selectmen after a site visit to ensure compliance. All abutters shall be notified by certified mail prior to making application. The permit shall take effect 20 days after the site visit.

In addition to meeting State and Federal Vector Attraction Reduction Requirements (VARRS), including those set forth in 40 CFR 503.33 (b) (8) which must have been conducted at the generation site), all biosolids must be applied to the land within five (5) days of delivery and incorporated into the soil within twenty-four hours of the application, unless a specific exemption has been granted by the Health Officer and the Board of Selectmen.

An extension to the normal time periods given above may be requested by the applicant to the Health Officer and Board of Selectmen or their designee, when weather conditions and/or equipment failure prevent application and/or incorporation into the soil after delivery.

- E. The Health Officer and Board of Selectmen may retain, at the applicant's expense, a qualified professional to represent the Board and assist the Board in determining compliance with this ordinance and/or any other applicable regulations.

F. Violations

Violation of these regulations shall be subject to fine as provided in RSA 147 and injunctive relief where appropriate.