

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, and that all of its residents rely on 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 Sludge 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) "Land Application" means the spraying or spreading of Sewage Biosolids onto the land surface, the injection of Sewage Biosolids below the land surface, or the incorporation of Sewage Biosolids into the soil.
- B) "Sewage Biosolids" means any solid, semi-solid, or liquid residue removed during the treatment of municipal waste water.
- C) "RSA" means Revised Statute Annotated of the State of New Hampshire.
- D) "Class A Biosolids" means exceptional quality bulk or bagged biosolids as defined in 40 CFR, Section 503.
- E) "Class B Biosolids" means not meeting the requirements of Class A Biosolids, as defined in 40 CFR, Section 503.
- F) "CFR" means the Code of Federal Regulations.

SECTION IV : PROHIBITED:

The storage, stockpiling, and land application 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
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Board of Selectmen

Amended by the Board of Selectmen - November 9, 1998