

NHDES Model Ordinance

Prohibited Uses:

- A. The development or operation of a solid waste landfill;
- B. The outdoor storage of road salt or other deicing chemicals in bulk;
- C. The development or operation of a junkyard;
- D. The development or operation of a snow dump;
- E. The development or operation of a wastewater or septage lagoon;
- F. The development or operation of a petroleum bulk plant or terminal;
- G. The development or operation of gasoline stations.

Additional Uses Municipality Could Prohibit, especially if there is no inspection program:

1. Storage of liquid petroleum products, except the following:
 - a. normal on-site household use, outdoor maintenance, and heating of an on-site structure;
 - b. waste oil retention facilities required by statute, rule, or regulation;
 - c. emergency generators required by statute, rule, or regulation;
 - d. treatment works approved by NHDES for treatment of ground or surface waters; provided that such storage, listed in items (a.) through (d.) above, is in free-standing containers in buildings or above ground with secondary containment adequate to contain a spill 110 percent the size of the containers total storage capacity;
2. Sludge monofills (i.e., landfill) and septage lagoons;
3. Storage of animal manure unless managed (e.g., stored) in accordance with the applicable best management practices contained in the Manual of Best Management Practices for Agriculture in New Hampshire (July 20011, or later) or additional practices required by the United States Natural Resources Conservation Service;
4. Facilities that generate, treat, store hazardous waste subject to Env-Hw 500-900 except for;
 - a. household hazardous waste centers and events regulated under Env-Hw 401.03(b)(1) and Env-Hw 501.01(b); and
 - b. water remediation treatment works approved by NHDES for the treatment of contaminated ground or surface waters;
5. Non-sanitary treatment works which discharge to the ground and that are subject to Env-Wq 402, except the following:
 - a. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - b. treatment works approved by NHDES designed for the treatment of contaminated groundwater;
6. Storage of regulated substances in greater than household quantities (i.e., five-gallons), unless in a free-standing container in a building or above ground with secondary containment adequate to contain 110 percent of the container's total storage capacity;
7. Storage of commercial fertilizers, unless such storage is in a structure designed to prevent the generation and escape of contaminated runoff or leachate.