

SANTA FE COUNTY

Ordinance No. 1997-7

AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF THE CITY OF SANTA FE SANITARY SEWER SYSTEM SERVICE AREA OUTSIDE THE CITY BOUNDARIES AND ADOPTING CHAPTER 22 OF THE CITY CODE RELATING TO THE MANAGEMENT OF THE WASTEWATER UTILITY; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS AND PENALTIES

The Board of County Commissioners hereby adopts the attached Ordinance to establish provisions for extending City sanitary sewer services into Santa Fe County, with the following modifications:

1. For purposes of this Ordinance, "service area" is defined as the area within Santa Fe County between I-25 and the Santa Fe Relief Route that is serviceable by gravity flow to the City sanitary treatment plant.

2. Section 22-3.1 of the Ordinance is amended to read as follows:

Connection to the public system is mandatory when the property being developed or improved is accessible to the City sanitary sewer system (see definition of "accessible to city sanitary sewer system" in section 22-2.1). Property shall be required to connect only if it is determined that such development or improvements will overburden the septic system and leach field serving the property.

3. The requirement to execute a development agreement set forth in section 22-6.2 of this Ordinance shall not apply to any property in the County that is within the "service area," provided that a Joint Powers Agreement regarding sanitary sewer services between the City and the County is in effect. In addition, regardless of whether a Joint Powers Agreement is in place, the requirement to execute a development agreement

under section 22-6.2 shall not apply to sewer line extensions for properties lying within the traditional historic community of Agua Fria or within any other area designated as a traditional historic community under state law.

APPROVED, ADOPTED AND PASSED this 13th day of May, 1997.



BOARD OF COUNTY COMMISSIONERS

Richard D. Anaya
Richard D. Anaya, Chairman

ATTEST:

Rebecca Bustamante
Rebecca Bustamante, County Clerk

Approved as to form:

Steven Kopelman
Steven Kopelman, County Attorney



COUNTY OF SANTA FE
STATE OF NEW MEXICO 988)SS 438
I hereby certify that this instrument was filed
for record on the 30 day of June A.D.
19 97, at 1:08 o'clock P m
and was duly recorded in book 1386,
page 644 - 745 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Veronica Clayton
Deputy

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 1997-3

1386643

AN ORDINANCE

REPEALING SECTION 22.1 THROUGH 22.11 SFCC 1987 AND ADOPTING NEW SECTIONS 22.1 THROUGH 22.12 RELATING TO THE MANAGEMENT OF THE WASTEWATER UTILITY; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS AND PENALTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. REPEAL. Sections 22-1 through 22-9.10 SFCC 1987 (being Code 1953, §§22-1 through 22-6, 22-9, 22-10, 22-12 through 22-21, 22-23 through 22-27, 22-30 through 22-34, 22-36, 22-37, 22-39, 22-40, 22-46, 22-47, 22-50 through 22-54, 22-57 and 22-58; Ord. #1982-39, §2; Ord. #1985-36, §§2 and 3; Ord. #1986-23, §1; Ord. #1990-21, §1; Ord. #1993-9, §§7, 12, 18, 28, 29, 40, 42 through 83) 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83) are repealed.

Section 2. A new section 22-1.1 is ordained to read:

22-1 [NEW MATERIAL] SANITARY SEWERS AND WASTEWATER COLLECTION, DISPOSAL AND POTENTIAL REUSE.

22-1.1 [NEW MATERIAL] Short Title. This section may be cited as the "Wastewater Utility Ordinance".

Section 3. A new section 22-1.2 is ordained to read:

22-1.2 Purpose and Service Area.

A. The purpose of this ordinance is to set uniform requirements for the users of

1 the city of Santa Fe's wastewater collection system and treatment works, to enable the city to comply
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2 with the provisions of the Clean Water Act and with other applicable federal, state and local laws and
3 regulations, to provide for the public health and welfare and to protect the city's economic interests in
4 the publicly owned treatment works (POTW) and its waste treatment by-products by regulating the
5 quality and quantity of wastewater discharged into the city's wastewater collection system and
6 treatment works, and to otherwise ensure protection of public health, public resources and the
7 environment. This ordinance provides a means for determining wastewater volumes, constituents and
8 characteristics, and the issuance of permits to certain users. This ordinance also establishes effluent
9 limitations and other discharge criteria and provides that certain users shall prevent the introduction of
10 pollutants into the POTW which may potentially interfere with the operation of the POTW or
11 contaminate the sewage sludge, and shall also prevent the introduction of pollutants into the POTW
12 which may pass through the treatment works into the receiving waters or may otherwise be
13 incompatible with the treatment works. This ordinance is also designed to improve opportunities to
14 protect the city's potential options to beneficially reuse, market, reclaim or dispose of wastewater
15 treatment by-products, and to improve the city's ability to minimize the quantity of a user's wastewater
16 discharge.

17 B. The service area is defined by the corporate limits of the city of Santa Fe, plus
18 those areas outside the city limits where service has been extended or may be extended upon
19 approval by the governing body.

20 C. Violation of any local, state or federal regulation or law which affects the
21 functioning of the city POTW or the city's beneficial use of the by-products of its wastewater treatment
22 shall be considered a violation of this ordinance.

23 Section 4. A new section 22-2.1 is ordained to read:

24 22-2 [NEW MATERIAL] DEFINITIONS.

25 22-2.1 [NEW MATERIAL] Definitions. As used in this section:

1 *Abbreviations:*

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2 *BOD* means biochemical oxygen demand

3 *CFR* means Code of Federal Regulations

4 *COD* means chemical oxygen demand

5 *CWA* means Clean Water Act of 1977 (P.L. 95-217, et seq)

6 *EPA* means United States environmental protection agency

7 *gpd* means gallons per day

8 *l* means liter

9 *LEL* means lower explosive limit

10 *MGD* means million gallons per day

11 *mg* means milligrams

12 *mg/l* means milligrams per liter

13 *NPDES* means national pollutant discharge elimination system

14 *O&M* means operation and maintenance

15 *POTW* means publicly owned treatment works

16 *RCRA* means Resource Conservation and Recovery Act

17 *SIC* means standard industrial classification

18 *SWDA* means Solid Waste Disposal Act (43 U.S.C. 6901, et seq.)

19 *TSS* means total suspended solids

20 *USC* means United States Code

21 *WPCA* means Federal Water Pollution Control Act (P.L. 92-500)

22 *UPC* means Uniform Plumbing Code

23 *Acceptance* means the final written approval by the city of the construction of sanitary sewers
24 and acceptance of the sewers for public maintenance. Letters indicating acceptance shall not be
25 issued unless adequate evidence has been provided to the city that the sanitary sewer was built in

1 accordance with plans, specifications and applicable standards. Upon issuance of a letter of
2 acceptance, funds or financial guarantees retained by the city to ensure proper completion of the
3 sewer may be released. 1386646

4 *Accessible to city sanitary sewer system* means a property: (1) which abuts or is within 200
5 feet of the city sewer system or is within 200 feet of the boundaries of a public street or sanitary sewer
6 utility easement which contains the city sanitary sewer system; and (2) which may physically connect
7 to the city sewer by means of either a gravity or pressure sewer line.

8 *Act or "the Act"* means the Federal Water Pollution Act, also known as the Clean Water Act,
9 as amended, 33 U.S.C. 1251 et seq.

10 *ALARA (As Low As Reasonably Achievable)* means the requirement that an industrial user
11 make every reasonable effort to maintain quantity of discharge and the amounts and toxicity of
12 pollutants in discharge as far below the regulatory limits as is practical, consistent with the purpose for
13 which the permit is issued, taking into account the state of technology, the economics of
14 improvements in relation to state of technology, the economics of improvements in relation to benefits
15 to the public health and safety, the limited resources available, and the public interest in protecting the
16 city's potential options for the beneficial reuse, marketing, reclamation or disposal of the waste
17 treatment by-products as well as other societal and socioeconomic considerations.

18 *Authorized representative of the Industrial User* means one of the following:

19 A. If the industrial user is a corporation:

20 (1) The president, secretary, treasurer, or a vice-president of the
21 corporation in charge of a principal function, or any other person who performs similar policy or
22 decision-making functions for the corporation.

23 (2) The manager of one or more manufacturing, production, or operation
24 facilities employing more than 250 persons or having gross annual sales or expenditures exceeding
25 \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or

1 delegated to the manager in accordance with corporate procedures. The manager may designate
2 another authorized representative if: (1) the authorization is in writing; and (2) the authorization
3 specifies the individual or position responsible for the overall operation of the facility from which the
4 discharge originates or has overall responsibility for environmental matters for the company; and (3)
5 the authorization is submitted to the city.

6 B. If the industrial user is a partnership, association, or sole proprietorship, a general
7 partner or the proprietor.

8 C. If the industrial user is a federal, state or local government, or an agent thereof, a
9 director or highest official appointed or designated to oversee the operation and performance of the
10 activities of the government facility.

11 *Base period* means the consecutive calendar month of metered water use which is the basis
12 for monthly sewer service charges.

13 *Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical
14 oxidation of organic matter under standard laboratory procedure, five days at 20° centigrade
15 expressed in terms of weight and concentration [milligrams per liter (mg/l)].

16 *Categorical pretreatment standard or categorical standard* means any regulation containing
17 pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of
18 the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in
19 40 CFR Chapter I, Subchapter N, Parts 405-471, and incorporated herein by reference.

20 *Chemical oxygen demand (COD)* means a measure of the oxygen consuming capacity of
21 organic and inorganic matter present in wastewater as milligrams per liter (mg/l) under standard
22 laboratory procedures. COD is used as a measure of the wastewater strength.

23 *City* means the city of Santa Fe and its employees and its authorized agents

24 *City representative* means the city manager or his/her duly authorized representative.

25 *Code of Federal Regulations (CFR)* means a codification of the general and permanent rules

1 published in the Federal Register by the executive departments and agencies of the federal
2 government. 1386648

3 *Color* means the optical density at the visual wave length of maximum absorption, relative to
4 distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

5 *Composite sample* means the sample resulting from the combination of individual wastewater
6 samples taken at selected intervals, which intervals are based on either an increment of flow or time.

7 *Constructed wetlands* means a wetland that is purposely constructed by humans in a non-
8 wetland area for wastewater treatment.

9 *Control manhole* means a manhole installed to allow access to the wastewater discharge of a
10 facility for purposes of sample collection and flow measurement. The manhole shall be constructed in
11 a manner and in a location as may be required by the city.

12 *Control sanitary clean-out* means a device installed to allow access to the wastewater
13 discharge of a facility for purposes of sample collection. This will normally be a tee of an appropriate
14 size inserted into the sanitary sewer service line and constructed in a manner and in a location as may
15 be required by the city.

16 *Cooling water* means the water discharged from any use such as air conditioning cooling or
17 refrigeration, or to which the only pollutant added is heat.

18 *Customer* means individual or business that purchases a commodity or service from the city.

19 *Department* means the public utilities department or its director or the director's designated
20 representatives.

21 *Department director* means the director of the city public utilities department.

22 *Developer* means a private individual, corporation or public entity that invests capital in the
23 development of real estate.

24 *Dilution* means the additional use of potable water for the purposes of reducing the
25 concentration of pollutants in the wastewater before discharging to the POTW. The normal use of

1 potable water for sanitary facilities and food preparation shall not be considered dilution.

2 *Director* means the wastewater management division director or the director's designated
3 representative. 1386649

4 *Discharge* means the introduction into the POTW of a pollutant or wastewater, treated or
5 untreated, or of holding tank waste from any source. The term includes the introduction of either a
6 single pollutant or of multiple pollutants.

7 *Division* means the wastewater management division of the city public utilities department.

8 *Domestic sewage or wastewater* means liquid waste which contains constituents and has
9 characteristics similar to that from a residential connection and which for the purpose of this
10 ordinance does not contain COD, or BOD and TSS in excess of the following concentrations: COD -
11 500 mg/L; BOD - 250 mg/L; TSS - 330 mg/L.

12 *Environmental Protection Agency or U.S. E.P.A.* means the U.S. Environmental Protection
13 Agency or, where appropriate, the term may also be used as a designation for the regional director or
14 other duly authorized official of said agency.

15 *Existing source* means any source of discharge, the construction or operation of which
16 commenced prior to the publication of proposed categorical pretreatment standards under section
17 307(b) and (c) (33 U.S.C. 1317) of the Act and which will be applicable to such source if the standard
18 is thereafter promulgated in accordance with section 307 of the Act.

19 *Fixture Unit Equivalent (FUE)* means the measure of the wastewater load produced by a
20 plumbing fixture, as described in Section 402 of the Uniform Plumbing Code.

21 *Governing body* means the city council and the mayor, or the city council and a mayor pro
22 tempore, meeting in a session which has been duly called in accordance with the state Open
23 Meetings Act.

24 *Grab sample* means a sample taken from a waste stream on a one-time basis without regard to
25 volume of flow of the waste stream or the time of day of the sampling and which sample is taken over

1 a period of time not to exceed 15 minutes.

2 *Gray water* means a liquid waste that is discharged from any fixture, appliance, or
3 appurtenance of a plumbing system which does not include fecal matter. 1386650

4 *Grease trap* means a floatation chamber used to remove grease or oil from wastewater
5 discharge prior to discharge to the public sewer system.

6 *Half-life* means the amount of time in which half the atoms of a radioactive substance will
7 have disintegrated.

8 *Holding tank waste* means any waste derived from holding tanks associated with but not
9 limited to vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

10 *Industrial user* means any person who is a source of non-domestic wastewater discharge.

11 *Industrial wastewater* means a wastewater originating from sources other than domestic or
12 which exhibit characteristics other than domestic wastewater.

13 *Industrial wastewater discharge permit* means a permit issued by the city in accordance with
14 this ordinance.

15 *Instantaneous maximum allowable discharge limit* means the maximum concentration of any
16 regulated parameter in any type of sample, either grab or composite.

17 *Interceptor pipe* means a sanitary sewer system with flows exceeding 3 MGD or with a
18 diameter of 12 inches or larger.

19 *Interference* means a discharge or a permit violation which may cause or may contribute to
20 the disruption of the POTW or with the processes or operations of the POTW treatment plant or with
21 the city's beneficial reuse, marketing, reclamation or disposal of waste treatment by-products; or
22 which violates the city's NPDES permit or any of the following regulations or permits issued
23 thereunder or any state or local permits or regulations: Section 405 of the Clean Water Act; the Solid
24 Waste Disposal Act (SWDA) including Title II commonly referred to as the Resource Conservation and
25 Recovery Act (RCRA); any State sludge management plan prepared pursuant to subtitle D of the

1 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection Research and
2 Sanctuaries Act, or any additional laws affecting the POTW or its processes which may be enacted in
3 the future.

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4 *Lot or Legal lot* means a real estate parcel which has been created, defined or acknowledged
5 by means of the land subdivision authorities of the city or county of Santa Fe.

6 *Manifold connection* means one service connection to the POTW which is shared by more
7 than one legal lot.

8 *May* means permissive.

9 *Medical waste* means wastes including, but not limited to, isolation wastes, infectious agents,
10 human blood and blood byproducts, pathological wastes, needles, syringes, scalpels or other sharp
11 implements, body parts, fetal tissue, fomites, etiological agents, contaminated laboratory wastes and
12 dialysis wastes.

13 *Municipal wastewater system or municipal system* means a "treatment works" as defined by
14 Section 212 of the Act (33 U.S.C. 1292) which is owned by the state or municipality. This definition
15 includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation
16 of sewage or industrial wastes and any conveyance which conveys wastewater to a treatment plant.
17 The term also means the municipal entity having responsibility for the operation and maintenance of
18 the system.

19 *National pollutant discharge elimination system permit or NPDES permit* means a permit
20 issued pursuant to Section 402 of the Act.

21 *National prohibitive discharge standard* means any regulation developed under the authority
22 of Section 307 (b) of the Act and 40 CFR, Section 403.5.

23 *New source* means

24 A. Any source of a discharge, the construction or operations of which
25 commenced after the publication of a proposed categorical pretreatment standard under Section 307

1 (c) [33 U.S.C. 1317(c)] of the Act and which standard will be applicable to such source if the standard
2 is thereafter promulgated in accordance with section 307 (c), provided that:

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- 3 (1) No other source is located at that site; or,
4 (2) The source completely replaces the process or production equipment
5 of an existing source at that site; or,
6 (3) The new wastewater generating process of the source is substantially
7 independent of an existing source at that site; and the construction of the source creates a new facility
8 rather than modifying an existing source at that site.

9 B. For purposes of this definition, construction or operation has commenced if
10 the owner or operator has:

11 (1) Begun, or caused to begin as part of a continuous on-site construction
12 program:

13 (a) Any placement, assembly, or installation of facilities or
14 equipment; or

15 (b) Significant site preparation work including clearing,
16 excavation, or removal of existing buildings, structures, or facilities which is necessary for the
17 placement, assembly, or installation of new source facilities or equipment; or

18 (2) Entered into a binding contractual obligation for the purchase of the
19 facilities or equipment which are intended to be used in its operation within a reasonable time.
20 Options to purchase or contracts which can be terminated or modified without substantial loss, and
21 contracts for feasibility, engineering, and design studies do not constitute a contractual obligation
22 under this definition.

23 *Non-contact Cooling Water* means water used for cooling which does not come into direct
24 contact with any raw material, intermediate produce, waste product or finished product.

25 *Non-domestic Pollutants* means any substances other than human excrement and household

1 gray water.

2 *Non-residential connection* means a connection to the POTW whose assumed wastewater
3 flow is based, for the purpose of sewer service rates, on metered water use for a base period consisting
4 of the most recent April through March period preceding the fiscal year of fee assessment and for
5 which water use records are available.

6 *Owner* means a person who has legal control over property.

7 *Pass through* means a discharge which exits the treatment plant effluent into waters of the U.S.
8 in quantities or concentrations which, alone or in conjunction with an indirect discharge or discharges
9 from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit
10 including an increase in the magnitude or duration of a violation or of the New Mexico water quality
11 standards applicable to the reach of the Santa Fe river to which the POTW discharges.

12 *Person* means any individual, partnership, limited partnership, firm, company, corporation,
13 association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their
14 legal representatives, agents or assigns. This definition includes all federal, state or local governmental
15 entities.

16 *pH* means a measure of the acidity or alkalinity of a substance, expressed in standard units;
17 neutral wastewater is numerically equal to 7 while the number increases with increasing alkalinity and
18 decreases with increasing acidity.

19 *Pollutant* means a man-made or man-induced alteration of the chemical, physical, biological
20 or radiological integrity of a water.

21 *POTW Treatment Plant* means that portion of the POTW designed to provide treatment to the
22 wastewater.

23 *Pretreatment or treatments* mean the reduction of the quantity of a user's wastewater
24 discharge or in the amount of pollutants, the elimination of pollutants, or the alteration of the nature of
25 pollutant properties in wastewater thereby rendering them less harmful to the POTW prior to

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1 discharge into the system. This reduction or alteration can be obtained by physical, chemical, or
2 biological processes, by process changes, or by other means, except by diluting the concentration of
3 the pollutants as prohibited by 40 CFR Part 403.6 (d). 1386654

4 *Pretreatment requirement* means any substantive or procedural requirement imposed on an
5 industrial user which is related to pretreatment of wastewater discharges into the POTW, other than a
6 national pretreatment standard.

7 *Pretreatment standard* means any regulation containing pollutant discharge limits promulgated
8 by EPA in accordance with section 307 (b) and (c) of the Act, which applies to industrial users. This
9 term includes prohibitive discharge limits established pursuant to 40 CFR part 403.5.

10 *Private sewer* mean a sanitary sewer which is privately constructed and privately maintained
11 by the owner or resident and which is constructed in accordance with city standards and to which
12 individual structures may be connected. This definition does not include plumbing installations
13 regulated by the UPC.

14 *Process wastewater* means wastewater produced as a product or by product of an industrial or
15 regulated process. Such wastewater normally would not reflect characteristics of typical domestic
16 wastewater.

17 *Publicly owned treatment works (POTW)* means the city treatment works including any
18 sewers that convey wastewater to the POTW treatment plant but excluding pipes, sewers, or other
19 conveyances not connected to the POTW treatment works. POTW includes any sewers that convey
20 wastewater to the POTW treatment works from persons outside the city who are users of the city
21 POTW. If the context so dictates, POTW may refer to the city, as herein defined.

22 *Public sewer* means a sanitary sewer that is owned, controlled and maintained by the city .

23 *Radioactive compound* means any compound containing any material which spontaneously
24 decays.

25 *Receiving stream or "Waters of the U.S."* means all streams, lakes, ponds, marshes,

1 watercourses, arroyos, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage
2 systems, and all other bodies or accumulations of water, surface or underground, natural or artificial,
3 public or private, which are contained within, flow through, or border upon the U.S. or any portion
4 thereof.

5 *Residential connection* means a connection to the POTW whose assumed wastewater flow is
6 based, for the purpose of sewer service rates, on metered water use for the most recent December
7 through February period preceding the fiscal year of fee assessment. A residential connection shall
8 include single and multi-family residences, mobile home parks, commercial greenhouses, churches,
9 properties owned and operated by the U.S. Government, the state of New Mexico, the city of Santa
10 Fe, the county of Santa Fe and the Santa Fe School Board of Education and state-accredited private
11 elementary and secondary schools and colleges.

12 *Residential development* means a residential district created by subdivision or condominium
13 documents wherein the proprietary interest in each single family dwelling is held in fee simple,
14 condominium, or cooperative ownership.

15 *Residential users* mean persons discharging domestic wastewater to the POTW.

16 *Sanitary sewer* means any system of pipes or conduits used to convey wastewater from its
17 point of origin to a treatment facility.

18 *Sanitary sewer design standards* means the criteria, standards and regulations related to the
19 design of public sanitary sewer systems, which are hereinafter referred to as Exhibit B.

20 *Sanitary sewer rate, fee and penalty schedule* means the information regarding sanitary sewer
21 rates, fees and penalties including formulas and procedures used to arrive at the rates, fees, and
22 penalty figures assessed by the city, hereinafter referred to as Exhibit A.

23 *Sanitary sewer service area* means the incorporated boundaries of the city of Santa Fe plus
24 areas outside the incorporated boundaries accessible to city sanitary sewer system.

25 *Sanitary sewer service line* means the length of gravity flow or low pressure flow pipe

1 extending from the public sanitary sewer to the private property line or to the edge of the right-of-way
2 or sanitary sewer easement, the purpose of which line is to connect the plumbing of any structure to
3 the public sanitary sewer. 1386656

4 *Septage* means the mixture of domestic sludge and wastewater removed during the pumping
5 of a septic tank, cesspool or other wastewater holding or on-site treatment facilities. Sand, grit, and
6 grease from traps or industrial waste from holding tanks are not considered septage.

7 *Septic tank* means a watertight receptacle which receives the discharge of a drainage system
8 or part thereof, designed and constructed so as to retain solids, digest organic matter through a period
9 of detention and allow the liquids to discharge into the soil outside of the tank through a system of
10 open joint piping or a seepage pit meeting the requirements of the Uniform Plumbing Code and the
11 regulations of the state of New Mexico.

12 *Sewage*. See definition for *Wastewater*.

13 *Sewage sludge* or *Wastewater sludge* means by-product of wastewater treatment involving
14 chemical or biological processes or a combination of these.

15 *Sewer interceptor* See definition for *Interceptor*.

16 *Sewer Service Connection* or *Service Connection* means the physical connection of a property
17 to the city POTW by means of a sanitary sewer service line.

18 *Shall* means mandatory.

19 *Significant Industrial User* means:

- 20 A. Industrial users subject to categorical pretreatment standards; and
21 B. Any other industrial user that:
22 (1) discharges an average of 25,000 gpd or more of process wastewater,
23 (2) contributes a process wastestream which makes up to 5 percent or
24 more of the average dry weather hydraulic or organic capacity of the treatment plant, or
25 (3) is designated as significant by the city on the basis that the industrial

1 user has a reasonable potential to cause pass through or interference.

2 *Sludge* means the solids separated from liquids during processing pretreatment of industrial
3 wastes, with or without the addition of chemical agents.

4 *Slug load* means any release of a discharge at a flow rate or concentration which will cause a
5 violation of the specific discharge prohibitions in Section 22-7.2(D) of this ordinance; any discharge of
6 a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary
7 batch discharge.

8 *Soluble* means the maximum amount of the solute (materials) that will be dissolved in a
9 definite amount of solvent, water (at 25 degrees C and a pH of 7) and produce a stable system.

10 *Standard details* means the standard detail sheets issued by the wastewater management
11 division. The sheets contain detailed standardized technical references and drawings with
12 specifications for sanitary sewer construction in the city of Santa Fe.

13 *Standard Industrial Classification (SIC) Code* means a classification pursuant to the most recent
14 standard industrial classification manual issued by the Executive Office of the President of the U.S.
15 office of management and budget.

16 *Standard methods* means the standard methods for examination of water and wastewater as
17 contained in the most recent edition issued by American Public Health Association.

18 *State* means the state of New Mexico.

19 *Storm water* means any flow occurring during or following any form of natural precipitation
20 and resulting therefrom, including rainfall and snowmelts.

21 *Total suspended solids* means the total suspended matter that floats on the surface of, or is
22 suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

23 Total suspended solids shall be determined in accordance with standard methods for the examination
24 of water and wastewater or 40 CFR 136, or as determined by the Division.

25 *Total toxic organic (TTO)* means the sum of concentrations of the organic compounds from a

1 priority pollutant scan. Categorical standards list any toxic organic compounds that are to be included
2 in the summation of TTO for a specific category in the respective 40 CFR. 1386658

3 *Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations
4 promulgated by the environmental protection agency under the provision of Section 307 (33 U.S.C.
5 1317) of the Act, or listed by the division, or other pollutants or combination of pollutants which may
6 result in interference or pass through of the system or otherwise may potentially cause a violation of
7 the city's NPDES permit, New Mexico water quality standards or which may potentially restrict and/or
8 impair the city's potential options for the beneficial reuse, marketing, reclamation or disposal of waste
9 treatment by-products.

10 *Treatment plant* means that portion of the POTW designed to provide treatment of
11 wastewater.

12 *Treatment plant effluent* means any discharge of treated wastewater, made in accordance with
13 the NPDES permit from the POTW into waters of the U.S.

14 *Uniform Plumbing Code (UPC)* means the Uniform Plumbing Code as adopted and amended
15 by the city of Santa Fe.

16 *User or Customer* means any person who contributes, or causes or allows the contribution of
17 sewage or industrial wastewater into the POTW.

18 *Waste treatment by-product* means any sludge, reuse water, scum or other product resulting
19 from wastewater treatment processes.

20 *Wastewater or Sewage* means the liquid and water-carried wastes, or sewage from residential
21 dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether
22 treated or untreated, which is released to the POTW.

23 *Water Service.* means arrangement in which water is piped to a property from the public
24 supply.

25 *Wetlands.* (See *Constructed wetlands*)

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Section 5. A new section 22-3.1 is ordained to read:

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22-3 [NEW MATERIAL] GENERAL PROVISIONS

22-3.1 [NEW MATERIAL] Connection to the Public System. Connection to the public system is mandatory when the property being developed or improved is accessible to the city sanitary sewer system. Prior to making such a connection, owners and developers of such property shall obtain information from the division concerning specifications, standards, procedures and other requirements contained in this ordinance.

Section 6. A new Section 22-3.2 is ordained to read:

22-3.2 [NEW MATERIAL] Extension of Sanitary Sewer System. Where an extension of the sanitary sewer system is required in order to provide service to a property, the nearest adequately sized and serviceable public sanitary sewer shall be extended, at the owner's expense, to the furthest limit of the property to be served. The furthest limit shall mean that point at which the public sanitary sewer extends beyond the property or the property frontage as the sewer continues its planned course.

Section 7. A new Section 22-3.3 is ordained to read:

22-3.3 [NEW MATERIAL] Replacement of Sanitary Sewer Service Lines. Replacement of sanitary sewer service lines between the point of connection and the point when the service line crosses the property line shall be the responsibility of the city, whenever the public sewer segment which includes the point of connection is reconstructed or replaced. The city shall own such service line and all service line segments installed by customer after July 1, 1997; but all work for purposes of preventive or corrective maintenance of these lines shall remain the sole responsibility of the owner of the property receiving wastewater service. All preventive or corrective maintenance work on these service line segments shall be performed by a licensed plumber or plumbing contractor and in accordance with the city ordinances including the obtaining of permits for excavation within public rights of way. Persons performing preventive or corrective maintenance work on any service line, whether privately or publicly owned, shall report such work in a manner to be established by the

1 division.

2 Section 8. A new Section 22-3.4 is ordained to read:

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3 22-3.4 [NEW MATERIAL] Manifold Connections. Manifold connections are prohibited.

4 Section 9. A new Section 22-3.5 is ordained to read:

5 22-3.5 [NEW MATERIAL] Requirement to Connect with Sewer.

6 A. When the city determines that a service connection is necessary in accordance
7 with this ordinance, the owner shall be given written notice by the division to complete the required
8 work within 90 days and at the owner's expense. If the owner is not a resident of the city, notice shall
9 be sent to the owner through United States registered mail, addressed to the last known address of the
10 owner and such notice shall also be posted on the premises where the work is required.

11 B. When a property owner connects into the sanitary sewer, any existing on-site
12 disposal system shall be abandoned in accordance with the requirements of the UPC.

13 C. It is unlawful to fail or refuse to make the sewer connection, installation or
14 construction required pursuant to Section 3-18-22B NMSA 1978.

15 Section 10. A new Section 22-3.6 is ordained to read:

16 22-3.6 [NEW MATERIAL] Disposition of Human Waste.

17 A. It is unlawful for any person to throw or deposit on the ground or bury within
18 the city any human waste, solid or liquid, or otherwise dispose of such substances in any manner
19 other than into a properly sewered water closet, properly maintained portable toilet, or other
20 approved on-site disposal system constructed in accordance with the provisions of this code.

21 B. The owner, agent in charge or occupant of any structure on a lot that is
22 connected to the public sanitary sewer shall, at the owner's expense, maintain the connecting lines in
23 good working condition and free of obstructions that might cause clogging or any damage which
24 could impair the flow of sewage to the main line.

25 C. Pluvial or storm water drains from roofs, yards, and other surfaces shall not,

1 under any circumstances, be connected to the sanitary sewer plumbing or sanitary sewer collectors.
2 Any such connections are unlawful and shall be subject to penalties and enforcement in accordance
3 with Section 22-12. 1386661

4 Section 11. A new Section 22-3.7 is ordained to read:

5 22-3.7 [NEW MATERIAL] Trailer and Motor Home Parks. Trailer parks and motor home
6 parks shall be connected to the sanitary sewer and have sufficient number of connections to service
7 each trailer or motor home space within the park. No license of any kind shall be issued by the city
8 for any trailer park or motor home park which is not connected to a public or to a city approved
9 private sanitary sewer system.

10 Section 12. A new Section 22-3.8 is ordained to read:

11 22-3.8 [NEW MATERIAL] Combined Sewers. Combined sewers which are conduits
12 carrying both storm water and wastewater shall not be permitted. The owner of a combined sewer
13 shall remedy such situation within 60 days from issuance of notice by the city. Failure to comply with
14 such notice shall result in penalties and enforcement action in accordance with Section 22-12.

15 Section 13. A new section 22-4.1 is ordained to read:

16 22-4 [NEW MATERIAL] SEPTIC TANKS, CONSTRUCTED WETLANDS OR OTHER
17 ON-SITE PRIVATE SEWAGE DISPOSAL SYSTEMS.

18 22-4.1 [NEW MATERIAL] On-Site Private Sewage Disposal Systems. On-site private
19 sewage disposal systems may be installed where connection to the city sanitary sewer system is not
20 feasible under Section 22-3.1. On-site disposal systems shall be constructed and installed along with
21 proper plumbing as required by the UPC.

22 Section 14. A new Section 22-4.2 is ordained to read:

23 22-4.2 [NEW MATERIAL] Septic Tank; Private Sewage Disposal System; Permit for
24 Construction Required. No septic tank or other on-site private sewage disposal system shall be
25 constructed within the city limits unless a permit is issued to the prospective builder, owner or agent

1 by the city's building inspection division.

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2 **Section 15. A new Section 22-4.3 is ordained to read:**

3 **22-4.3 [NEW MATERIAL] Construction of Septic Tanks and Private Sewage Disposal**
4 **Systems.** All septic tanks or private sewage disposal systems constructed in the city shall be
5 constructed in accordance with the current guidelines and requirements of the division and shall be in
6 compliance with any regulations promulgated by the city and the state of New Mexico.

7 **Section 16. A new Section 22-4.4 is ordained to read:**

8 **22-4.4 [NEW MATERIAL] Location of Septic Tank, Private Sewage Disposal System**
9 Location of septic tanks or private sewage disposal systems shall be in accordance with applicable
10 state and city guidelines and standards.

11 **Section 17. A new Section 22-4.5 is ordained to read:**

12 **22-4.5 [NEW MATERIAL] Nuisance.** No owner, tenant, subtenant, agent, occupant,
13 lessor, lessee or other person in possession of any premises in the city shall permit, keep or allow to
14 exist any trap, septic tank, cesspool or other conduit or receptacle of waste plumbing, or sanitary
15 sewage sewer line connection, which is deemed detrimental to the public health by the division
16 director or his/her designated enforcement personnel.

17 **Section 18. A new Section 22-4.6 is ordained to read:**

18 **22-4.6 [NEW MATERIAL] Abatement of Nuisance.**

19 **A.** Every person, whether owner, lessee or agent of any premises or vacant lots or
20 abutting owner, lessee or agent on any alley responsible for a nuisance as provided for in Section 22-
21 10, shall abate or remedy the nuisance within 48 hours after notice to do so from the city.

22 **B.** It is unlawful to fail to correct a condition after having been given notice.
23 Every five days after notification that the notified person or party fails to remedy the nuisance shall be
24 considered an additional violation subject to the penalties outlined in the Penalties and Enforcement
25 section of this section.

1 **Section 19. A new Section 22-4.7 is ordained to read:**

2 **22-4.7 [NEW MATERIAL] Waste Discharges Causing Obstructions.** Waste discharges,

3 including but not limited to rags, solid waste and grease, proven to have caused an obstruction of
4 flow, and or damage or any other impairment to the public sanitary sewer collection system or
5 wastewater treatment plant, are unlawful. Obstructions of the public sewers caused by such
6 discharges shall be cleaned and cleared by the city. Any expenses incurred by the city to clear such
7 obstructions, repair any damages to the sanitary sewer, sewer collection system or wastewater plant
8 and any other expenses incurred by the city shall be determined and shall result in the city filing claim
9 against the user or any other person causing or permitting said damages to occur and seeking
10 reimbursement for any and all expenses suffered by the city. Failure to reimburse the city for such
11 expenses shall result in penalties and enforcement action in accordance with Section 22-12.

12 **Section 20. A new Section 22-4.8 is ordained to read:**

13 **22-4.8 [NEW MATERIAL] Abandonment of Cesspool or Septic Tank.** When the use of

14 any septic tank or other on-site treatment system is discontinued or abandoned, the required work
15 shall be done in accordance with the Uniform Plumbing Code. Waste material collected as a result of
16 cleaning shall be disposed of in accordance with law and applicable regulations.

17 **Section 21. A new Section 22-4.9 is ordained to read:**

18 **22-4.9 [NEW MATERIAL] Septic Tank Cleaning; Septic Tank Waste Hauling; License**

19 **Required.** No person shall engage in the business of septic tank cleaning or septage hauling without
20 first having obtained a business license from the city under the provisions of the Business License
21 Ordinance and the provisions of this ordinance. All activities concerning septage hauling and disposal
22 shall comply with the city's regulations establishing administrative policies and fees pertaining to all
23 septic tank and chemical toilet waste transported in and around the city, as well as other applicable
24 state and federal regulations.

25 **Section 22. A new Section 22-4.10 is ordained to read:**

1 **22-4.10 [NEW MATERIAL] Fees**

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2 A. Persons or companies licensed to perform septic tank cleaning and hauling,
3 discharging septage at the city's septage discharge site shall pay to the city treasurer a user fee as
4 established and required by the city and specified in Exhibit A of this ordinance. In accordance with
5 the Gross Receipts and Compensating Tax Act, Section 7-9-4.1 NMSA 1978, a surcharge of up to 5%
6 shall be imposed on each billing rendered in accordance with this section.

7 B. The city's assessments division shall keep an account of all user and discharge
8 fees from records supplied by the building inspections division and the wastewater management
9 division.

10 **Section 23. A new Section 22-4.11 is ordained to read:**

11 **22-4.11 [NEW MATERIAL] Septic Tank Cleaner; Equipment.** A person seeking to do
12 business as a septic hauler shall equip the vehicle used for this purpose with an airtight suction tank
13 and a sheet steel holding tank. The following information shall be stenciled on each side and the
14 back of the truck in letters at least two inches in height and one inch in width.

15 A. The business name of the septage hauler.

16 B. The permit number as provided by the city, followed by the last two digits of
17 the calendar year in which the permit was last issued.

18 C. The net capacity of the holding tank.

19 **Section 24. A new Section 22-4.12 is ordained to read:**

20 **22-4.12 [NEW MATERIAL] Transportation and Discharge of Septage.** Transportation and
21 discharge of septic tank and chemical toilet waste shall be in accordance with written regulations
22 issued by the city, including the city's regulation establishing administrative policies and fees
23 pertaining to all septic tank and chemical toilet waste transported in and around the city of Santa Fe.
24 All discharge permit requirements shall meet all applicable state and federal regulations. It is unlawful
25 to discharge septage anywhere but at a properly equipped septage discharge site designated by the

1 city. Discharge of septage at any location other than the approved site as designated by the city is a
2 violation of the septage discharge permit. The first violation shall be subject to fine in accordance ¹³⁸⁶⁶⁶⁵
3 with the provisions of Exhibit A to this ordinance. A second violation shall be subject to revocation of
4 the septic hauler's license for a period of 30 days, and a third violation shall be subject to a permanent
5 revocation of the license. Discharges shall be accepted during established working hours as
6 established by the division, unless emergency conditions warrant special, after hours, discharges as
7 arranged with the division. Such discharges are subject to the special fee contained in Exhibit A.

8 **Section 25. A new Section 22-4.13 is ordained to read:**

9 22-4.13 [NEW MATERIAL] Septic Tank Cleaner. All tools, appliances and vehicles used
10 in cleaning or evacuation of septic tanks shall be maintained in a clean and sanitary condition, subject
11 to the inspection by the city.

12 **Section 26. A new Section 22-4.14 is ordained to read:**

13 22-4.14 [NEW MATERIAL] Penalties. Any user who is found to have violated the
14 provisions of Resolution No. 1992-61, the conditions of a septage discharge permit or any portion of
15 Section 22 SFCC 1987, shall be subject to an administrative action, and may be fined, as established
16 by Exhibit A of the same section. Fines may be assessed for each violation.

17 **Section 27. A new section 22-5.1 is ordained to read:**

18 22-5 [NEW MATERIAL] CONSTRUCTION OF SANITARY SEWER SYSTEMS.

19 22-5.1 [NEW MATERIAL] Determination of Necessity. Prior to the development or
20 improvement of any property which may cause the generation of wastewater, the owner shall request
21 a review by the division. The division shall provide a written response which shall establish the
22 necessity for connection to the POTW, assess the availability of sanitary sewer service in the area and
23 cite the conditions under which wastewater collection and treatment service may be provided by the
24 city. This city's written response shall be obtained by the owner prior to the commencement of the
25 design of any sanitary sewer improvements affecting the property.

1 Section 28. A new Section 22-5.2 is ordained to read:

2 22-5.2 [NEW MATERIAL] Construction and Maintenance of Pressure Sanitary Sewer.

3 A. Construction, operation and maintenance of pressure sanitary sewer systems serving
4 private developments, with the exception of small diameter collection lines as described below, shall
5 be the sole responsibility of the owner. Small diameter low pressure sewer lines which serve one or
6 more individual lots and are installed in accordance with these standards and other relevant
7 provisions of the city code shall be accepted for maintenance by the city, upon verification by the
8 division that all conditions for such an acceptance have been met.

9 B. Whenever the installation of a high pressure system is deemed by the division to be
10 either in full compliance with the sanitary sewer master plan or in the best interest of the city, the
11 operation and maintenance of such a system may be performed by the city at the owner's request, and
12 if all other conditions regarding the transfer of ownership of private sewers are met.

13 Section 29. A new Section 22-5.3 is ordained to read:

14 22-5.3 [NEW MATERIAL] Standards and Sanitary Sewer Master Plan. Sewers referred to in
15 this section shall be constructed in accordance with the sanitary sewer master plan, and design
16 standards for sanitary sewer construction adopted herein as Exhibit B.

17 Section 30. A new Section 22-5.4 is ordained to read:

18 22-5.4 [NEW MATERIAL] Permit Required; Application. Persons may construct sanitary
19 sewers on and within the city public rights-of-way and dedicated public and private easements,
20 provided that a New Mexico licensed contractor makes an application to the city which sets forth the
21 design, specifications and cost estimate for the work to be accomplished and receives an appropriate
22 permit.

23 Section 31. A new Section 22-5.5 is ordained to read:

24 22-5.5 [NEW MATERIAL] Permit Fee. The fee for a permit for the construction of sanitary
25 sewers under this section is as stated in Exhibit A of this ordinance.

1 **Section 32. A new Section 22-5.6 is ordained to read:**

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2 **22-5.6 [NEW MATERIAL] Contractor Bond.** As a condition of receiving a permit from the
3 city for the construction of sanitary sewer improvements, the permittee shall provide proof of an
4 approved current New Mexico utility contractor's license and a bond or other financial guarantee
5 acceptable to the city for the completion of the improvements, the amount of which bond shall be not
6 less than the cost estimate for the construction of the sanitary sewer.

7 **Section 33. A new Section 22-5.7 is ordained to read:**

8 **22-5.7 [NEW MATERIAL] Compliance with Specifications; Acceptance by City.** Upon
9 completion of construction satisfactory to the city, the improvements shall be formally accepted by the
10 city. Completion of construction satisfactory to the city shall not be established until the division has
11 received the following:

12 A. As-built drawings, television logs and tapes which have been reviewed and
13 found acceptable by the division; and

14 B. The engineer whose design supported the construction permit has certified in
15 writing that the constructed improvements have been properly inspected during construction and
16 were installed in conformance with the original specifications or with approved written change orders.

17 If the construction of the sanitary sewers does not meet the specifications, the improvements
18 shall not be accepted by the city and the contractor shall be required to make the corrections
19 necessary for the work to conform to such specifications. All corrective work shall be accomplished
20 within 60 calendar days from notice of non-compliance by the division. Failure of the contractor to
21 perform corrective work, or complete the requirements for acceptance by the city shall entitle the city
22 to execute the bond and complete the work as designed.

23 **Section 34. A new Section 22-5.8 is ordained to read:**

24 **22-5.8 [NEW MATERIAL] Inspection.** The construction activities of all sanitary sewers
25 must be inspected by an engineer registered in the State of New Mexico. The engineer certification

1 required in Section 22-5.7 must include that such inspection was conducted.

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2 **Section 35. A new Section 22-5.9 is ordained to read:**

3 **22-5.9 [NEW MATERIAL] Reimbursement of Construction Costs.** The total actual
4 construction cost for the sewer extension shall be paid in full by the developer and documentation of
5 such a payment shall be provided to the city. The developer shall be entitled to reimbursement of a
6 portion of the construction costs if sewer service is provided to a new developer within 10 years from
7 the date of the original sewer extension, provided the new developer's property abuts the sewer
8 extension. The amount of reimbursement to be made to the applicant on account of a new
9 customer's sewer service shall be determined by the city, based on a front foot basis for individual lots
10 or on an acreage basis for the probable total parcels already connected and to be connected to the
11 applicant's line extension. If a reimbursement is determined to be required, pursuant to the foregoing
12 provisions, the city shall bill the new customer for the appropriate amount and, upon receipt thereof,
13 shall refund said amount to applicant if it can be determined that the applicant still exists and can be
14 readily located. Reimbursements made under this provision shall not exceed the amount of the
15 applicant's contribution in aid of construction less that portion needed to serve applicant. The
16 provisions of this paragraph apply to connections to all line extensions installed after the effective date
17 of this rule.

18 **Section 36. A new Section 22-5.10 is ordained to read:**

19 **22-5.10 [NEW MATERIAL] Additions to Existing Private Sanitary Sewer Systems.** Private
20 additions to existing private sanitary sewer systems, that are required for provision of service to a
21 development or proposed development will be allowed, provided that the following conditions are
22 met:

23 A. The private system meets all specifications, design, construction and
24 inspection requirements and applicable health standards as established by the city or otherwise
25 required by law;

1 B. The total system design and construction costs shall be the responsibility of the
2 petitioner; 1386669

3 C. Maintenance of the new sanitary sewer shall be the sole responsibility of the
4 owner.

5 D. Developers of new private sewers or services that connect to existing private
6 systems, shall provide proof of permission to connect to and or expand the existing system.

7 Section 37. A new Section 22-5.11 is ordained to read:

8 22-5.11 [NEW MATERIAL] Private Sanitary Sewer System Desiring to become Part of the
9 Public System. The owners of private sanitary sewer systems constructed to city standards may
10 request that the city accept dedication of the private system for public ownership and maintenance. In
11 this event, the owner must meet the requirements for acceptance of new sanitary sewers in Section
12 22-5.7 SFCC 1987 and provide appropriate easements and rights-of-way in accordance with Exhibit B
13 of this ordinance.

14 Section 38. A new section 22-6.1 is ordained to read:

15 22-6 [NEW MATERIAL] SEWER SERVICE CONNECTIONS.

16 22-6.1 [NEW MATERIAL] Permits Required. A sewer connection permit shall be
17 obtained from the city before any connections are made to the city sanitary sewer system.

18 Section 39. A new section 22-6.2 is ordained to read:

19 22-6.2 [NEW MATERIAL] Properties Outside City Limits That are Within Service Area.
20 Property owners outside of the city limits whose properties are located within the southwest sector
21 area, or the water service area boundary, shall receive service upon execution of a development
22 agreement to be approved by the Governing Body, and which shall include provisions against
23 opposing any city-initiated annexation of their property. The development agreement shall not be
24 required if the property in question is covered under a Joint Powers Agreement between the city and
25 the county or the city and any established sanitary sewer district.

1 **Section 40. A new section 22-6.3 is ordained to read:**

2 **22-6.3 [NEW MATERIAL] Plans to be Filed; Issuance of Permit.** When an application
3 for a permit to connect to the existing city sewer system is made, the person, company or corporation
4 making the application shall submit for the city's approval adequate plans, drawings, specifications or
5 descriptions of the proposed work. If these submittals meet with the appropriate standards for
6 approval by the city, a permit for the construction shall be issued by the building inspection division.

7 **Section 41. A new section 22-6.4 is ordained to read:**

8 **22-6.4 [NEW MATERIAL] Service Connections to be Made by Licensed Plumber.** All
9 connections to the city sewers shall be made by a licensed plumber authorized to do business in the
10 city, in accordance with Section 7-9, Uniform Plumbing Code.

11 **Section 42. A new section 22-6.5 is ordained to read:**

12 **22-6.5 [NEW MATERIAL] Inspections.**

13 A. The city's building inspection division shall be notified when a sewer
14 connection is completed and ready for inspection. All work shall be left uncovered for examination
15 until inspected and approved by the building inspection division staff inspector or his duly authorized
16 representative.

17 B. For each sewer line connection inspection made by the inspector, an
18 inspection fee shall be charged as described in Exhibit A of this ordinance. The inspector shall be the
19 sole judge of the total number of inspections necessary.

20 **Section 43. A new section 22-6.6 is ordained to read:**

21
22 **22-6.6 [NEW MATERIAL] Sewer Service Connections; Fees.** The following shall incur a
23 fee for connection or reconnection to a public sewer, or to a private sewer connecting into a public
24 sewer, as described in Exhibit A, payable to the city at the office of the city treasurer, before a sanitary
25 sewer connection permit is issued. The fees shall be assessed in addition to special assessments set

1 out in Section 22-6.7 SFCC 1987, and sewer impact fees in accordance with Section 14-95 SFCC
2 1987: 1386671

3 A. For each unattached or attached single family residence, including single
4 family units in a Planned Unit Development and in a condominium and for each unit in a trailer park,
5 a base fee for twenty (20) fixture unit equivalents (FUE);

6 B. For each unattached or attached single family residence, including single
7 family units in a Planned Unit Development or in a condominium having in excess of 20 FUE, an
8 additional fee for each FUE in excess of 20.

9 C. For commercial, industrial, or institutional, or public service building and for
10 multi-family apartments, a fee in proportion to the total number of FUE.

11 D. For new connections or reconnections required as a result of substantial
12 reconstruction or remodeling wherein the total number of FUE shall increase beyond those existing
13 before the reconstruction, the fee shall be based on the net increase in FUE.

14 **Section 44. A new section 22-6.7 is ordained to read:**

15 **22-6.7 [NEW MATERIAL] Special Sewer Construction and Assessments; Authorization.**

16 When the city pays for construction of a new sewer main, the governing body shall establish a special
17 sewer connection assessment district by ordinance. The connection district shall not be applied to
18 sewer line replacements or to lines funded out of an improvement district under Sections 3-33-3
19 through 3-33-24 NMSA 1978. The ordinance shall:

20 A. Define the geographic area to be benefitted by the sewer main;

21 B. State the projected number of residential units and describe projected
22 commercial development within the defined service area, based on the city's plans and zoning. The
23 potential number of commercial outlets shall be estimated based on comparable existing structures
24 and applicable code requirements;

25 C. Project the "residential unit equivalents" within the service area. This figure

1 shall be calculated by dividing the estimated number of commercial outlets by four (4) and adding the
2 projected number of residential units to be served by the new sewer main; 1386672

3 D. State the projected cost of the sewer main, based on accepted construction
4 bids, design costs and bonding costs and shall state the percentage of this cost which directly benefits
5 the service area;

6 E. Set a base year special sewer connection assessment, based on total projected
7 cost which directly benefits the service area divided by the number of "residential unit equivalents"
8 projected within the service area;

9 F. Set an annual interest rate to be applied to the base year assessment. This
10 interest shall be compounded each 12 months following the effective date of the ordinance. The
11 interest rate shall be equal to the interest rate paid by the city on bonds issued to pay for the sewer
12 main construction. If no bonds are issued for the project, the interest rate shall be equal to the rate
13 paid by the city for the most recent bond issued before the effective date of the ordinance; and

14 G. Assess each property owner who is required to connect or voluntarily
15 connects with sewers within the service area a fee equal to the base year special sewer connection
16 plus interest compounded as set out above. This fee shall be assessed for each residential unit and for
17 every four (4) outlets or fraction thereof in a commercial structure connecting to the sewer. This fee
18 shall be assessed in addition to the sewer service connection fee set out in Section 22-4.6 SFCC 1987.

19 Section 45. A new section 22-6.8 is ordained to read:

20 22-6.8 [NEW MATERIAL] Service Connections for Commercial Establishments.

21 A. New commercial establishments or existing buildings being remodeled into
22 commercial establishments, in which the existing sewer service is adequately sized and in good
23 condition, and where grease traps or sand and grease interceptors are not required by this ordinance
24 or by the Uniform Plumbing Code, and which can be classified as either commercial retail businesses,
25 or office buildings, shall not be required to construct a city standard monitoring manhole, provided

1 the establishment has no more than 160 fixture unit equivalents (FUE's) connected, as determined in
2 the Uniform Plumbing Code. Sewer connections pursuant to this paragraph, shall be made with
3 clean-out or sampling ports approved by the city. 1386673

4 B. Nothing in this subsection shall be construed to relax or modify the building
5 requirements of the UPC.

6 Section 46. A new section 22-6.9 is ordained to read:

7 22-6.9 [NEW MATERIAL] **Illegal Service Connections Prohibited.** Service connections to the
8 city sanitary sewer system which are found to be constructed without city permit or otherwise have
9 been undertaken without city authorization or have not been billed for service in accordance with
10 rates established in this section are deemed illegal and are hereby prohibited.

11 Section 47. A new section 22-6.10 is ordained to read:

12 22-6.10 [NEW MATERIAL] **Illegal Service Connections; Correction.**

13 A. Upon discovery of an illegal connection, the city shall inform the owner in
14 writing of the property being served by such a connection that:

15 (1) the property is served by an illegal connection; and

16 (2) within 30 days of receipt of the city's letter, the owner shall remove
17 the illegal connection and shall be billed in arrears for 24 months of service charges at the current
18 authorized rates; or

19 (3) within 30 days of receipt of the city's letter, the connection shall be
20 excavated and a reconnection made in accordance with the provisions of this section and the owner
21 shall be billed in arrears for 24 months of service charges at the current authorized rates for one year
22 of service charges at the current authorized rates; or

23 (4) at the city's discretion, the city may not require reconnection provided
24 the owner is billed in arrears for a period of service that is greater than 24 months, such period agreed
25 upon by the city and the owner.

1 B. In the event that the owner can demonstrate to the city's satisfaction the time period of
2 illegal connection, the city may adjust the billing in arrears for service charges to the period of actual
3 connection.

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4 Section 48. A new section 22-7.1 is ordained to read:

5 22-7 ~~[NEW MATERIAL]~~ SEWER SERVICE RATES AND CHARGES.

6 22-7.1 ~~[NEW MATERIAL]~~ Levy Established; Schedule of Fees. There are hereby fixed,
7 established, levied and assessed against all properties using or abutting on or accessible to the sanitary
8 sewer and disposal system of the city for the service rendered or made available to such properties by
9 and through the sanitary sewer and disposal system the following monthly charges:

10 A. For each residential and non-residential connection within the city limits for
11 which water consumption records are available, a fee as established in Exhibit A.

12 B. For each residential and non-residential connection within the city limits for
13 which there are no metered water use records for one or more of the months of the base period, a fee
14 as established in Exhibit A.

15 C. For each residential and non-residential connection within the city limits
16 whose source of domestic water is a private well and for which well no metered water use records are
17 available, a fee as established in Exhibit A.

18 D. For each lot having improvements which are dependent upon a septic
19 wastewater system and which lot is accessible to city sanitary sewer system, a fee as established in
20 Exhibit A..

21 E. For each lot having no improvements which are dependent upon a septic
22 wastewater system but which lots are accessible to the city sanitary sewer system, a fee as established
23 in Exhibit A..

24 F. For each residential and non-residential connection of properties outside
25 the corporate boundaries of the city, a fee as established in Exhibit A.

1 G. Upon written application to the city, metered water use for non-residential
2 connections may be reduced by two (2) gallons per month for each square foot of irrigated property.

3 H. In accordance with Gross Receipts and Compensating Tax Act, Section 7-9-
4 4.1 NMSA 1978, a surcharge of up to 5 percent shall be imposed on each billing rendered in
5 accordance with this section.

6 I. Fees for industrial and high strength wastes shall be as established in
7 Section 22-9, and defined in Exhibit A under the category of Extra-Strength Surcharge.

8 **Section 49. A new section 22-7.2 is ordained to read:**

9 **22-7.2 [NEW MATERIAL] Due Date of Fees; Penalty for Delinquency.**

10 A. Fees are due within thirty days of receipt of each quarterly billing. Any
11 assessment not paid by the date due shall become delinquent on that date.

12 B. A penalty for delinquency shall be charged as indicated in Exhibit A.

13 **Section 50. A new section 22-7.3 is ordained to read:**

14 **22-7.3 [NEW MATERIAL] Placement of Liens.**

15 A. On or before August 1 of each year, and or at times that the city manager
16 may designate, the city clerk shall send notice to every person delinquent in assessments billed the
17 previous fiscal year. Each notice shall state the assessment and penalty amounts owed and shall
18 provide notice that a lien for sewer service in the amounts owed shall be placed on the property if
19 payment is not received by September 1. On or before September 10 of each year, and or at other
20 times that the city manager may designate, the city clerk shall prepare an assessment roll showing all
21 delinquent assessments billed in the previous fiscal year. The assessment roll shall list, in columns:

22 (1) The name of the owner, if known, of the parcel of real estate being
23 assessed;

24 (2) A description of the parcel of real estate being assessed; and

25 (3) The amount assessed against each parcel of real estate.

1 B. The city clerk shall publish a notice stating that the assessment roll for
 2 delinquent sewer service charges due is on file in the office of the city clerk and the time and place
 3 when the governing body will hear appeals or protests by any person aggrieved by the assessment.
 4 The notice shall be published once not less than ten (10) nor more than twenty (20) days before the
 5 day of the protest hearing. If the address of the owner of the real property is known, a copy of the
 6 notice shall be mailed by certified mail, return receipt requested, to the known address of the owner
 7 of the real property being assessed.

8 C. At the protest hearing required herein, any interested person may protest to
 9 the governing body the:

- 10 (1) Regularity of the proceedings;
- 11 (2) Amount assessed against the real estate; or
- 12 (3) Correctness of the amount of the assessment.

13 D. The governing body shall:

- 14 (1) Determine the regularity of the proceedings;
- 15 (2) Correct any errors found in the assessment; and
- 16 (3) By resolution, confirm the proceedings and the assessments. The

17 proceedings and assessments as confirmed shall be deemed to be the final determination as to the
 18 regularity, validity and correctness of the assessment.

19 E. On or before October 1 of each year, the city clerk shall certify to the
 20 governing body a list containing any delinquent assessment with penalty added for nonpayment of the
 21 assessment at the rate of one and a half percent per month of any assessment confirmed by resolution,
 22 as provided in paragraphs C. and D. of this subsection, and describe the parcel of real estate to which
 23 the assessment is applicable. After the certified list is accepted by the governing body, the assessment
 24 shall be a lien when processed, against the parcel of real estate and shall be processed as provided in
 25 Sections 3-36-1 through 3-36-5 NMSA 1978. Any such lien shall be a lien superior to all other liens

1 except general property taxes upon the property so charged and a personal liability of the owner of
2 the property so charged and shall bear interest at the rate of one and a half percent per month.

3 **Section 51. A new section 22-7.4 is ordained to read:** 1386677

4 **22-7.4 [NEW MATERIAL] New Installations.** For new connections to the city sanitary sewer
5 system, the sewer service charge shall begin and be effective for the first full calendar month following
6 the date of the connection.

7 **Section 52. A new section 22-7.5 is ordained to read:**

8 **22-7.5 [NEW MATERIAL] Liens Placed Against Property.**

9 A. Within sixty (60) days from the date of the filing for record of the claim for
10 lien, the city clerk shall mail a notice of lien to each property owner against whose property a lien is
11 being claimed, to the billing address in the city records.

12 B. The city shall assess an amount as shown in Exhibit A for the release of any
13 lien for delinquent fees in addition to the delinquent fees plus interest. This charge shall be collected,
14 whether release is sought prior to or after commencement of foreclosure proceedings to enforce the
15 lien for delinquent garbage assessments. In the event a suit to foreclose the lien has been instituted,
16 such suit shall be dismissed at any time before foreclosure sale upon receipt of all fees, penalties and
17 interest provided for herein in addition to payment of all costs of the foreclosure proceeding
18 attributable to the property sought to be released, including reasonable attorney's fees to be set by the
19 court in which the foreclosure proceeding has been instituted.

20 **Section 53. A new section 22-7.6 is ordained to read:**

21 **22-7.6 [NEW MATERIAL] Payment of Lien and Dismissal of Suit.** In the event of a suit to
22 foreclose the lien provided for in this section has been instituted, the suit and the lien shall be
23 dismissed and released upon payment, at any time before foreclosure sale, of the amount of the total
24 charges for which lien was filed, including the penalty and interest herein provided for and on
25 payment of all costs of the foreclosure proceeding attributable to the property sought to be released,

1 including reasonable attorney's fees too be fixed by the court in which such foreclosure proceeding
2 was instituted. 1386678

3 Section 54. A new section 22-7.7 is ordained to read:

4 22-7.7 **[NEW MATERIAL]** Liability of the Property Owner; Other Methods of Collection.

5 The charges imposed under this section, together with all penalties, interest and other charges
6 prescribed, shall become a personal liability of the owner of the property served. In addition to
7 collection through foreclosure of the lien, collection may be enforced on such personal liability by
8 resort to any other legal procedure available for the enforcement of personal liabilities.

9 Section 55. A new section 22-7.8 is ordained to read:

10 22-7.8 **[NEW MATERIAL]** Discontinuance of Water Service.

11 A. The city may cause the water supply to be turned off and discontinue
12 service to the property if any charge provided for herein remains unpaid for a period of 60 days from
13 the designated due date. Service may not be discontinued for delinquencies of a previous owner or
14 his/her tenant.

15 B. Prior to the discontinuance of water service, a written notice shall be sent to
16 the customer not less than ten calendar days in advance of the proposed termination of service along
17 with notice that the city action may be appealed to the city manager or the city manager's designated
18 representative.

19 C. The customer must request such a hearing in writing submitted to the city
20 manager on or before the date the services are to be terminated.

21 D. In the event an appeal is requested, service shall not be terminated until the
22 city manager has conducted a hearing and rendered a decision.

23 E. At such hearing, the customer may present evidence and, at the conclusion
24 of the hearing, the city manager may affirm, overrule or modify the decision to terminate the service.

25 F. The city manager's decision may be appealed to the governing body. In

1- the event that an appeal to the governing body is made, service shall not be terminated until the
2 governing body of the city of Santa Fe has rendered a decision. 1386679

3 Section 56. A new section 22-7.9 is ordained to read:

4 22-7.9 [NEW MATERIAL] Free Service Prohibited. No free service shall be furnished by the
5 city, except as may be provided by the SFCC 1987. Any use of the sanitary sewer system shall be
6 paid for at the rates established in this section.

7 Section 57. A new section 22-7.10 is ordained to read:

8 22-7.10 [NEW MATERIAL] Reconnection Charge. When water service has been
9 disconnected for nonpayment of sewer charges, reconnections of water service shall be made only
10 after payment of all delinquencies, including all penalties, interest and costs that may have accrued,
11 including any water and sewer service reconnection charges. All reconnections of water service shall
12 be made in accordance with the reconnection provisions in Section 25 SFCC 1987. If sanitary sewer
13 service has been disconnected, reconnections shall be made in accordance with Section 22-6 SFCC
14 1987.

15 Section 58. A new section 22-7.11 is ordained to read:

16 22-7.11 [NEW MATERIAL] Disposition of Money Collected. All funds collected under this
17 section shall be deposited in a separate fund, which shall pay all bond service expenses and all direct
18 and indirect expenses incurred in the maintenance, operation, extension, improvement, repair or
19 construction or reconstruction of the city wastewater collection and treatment system.

20 Section 59. A new section 22-8.1 is ordained to read:

21 22-8 [NEW MATERIAL] SANITARY SEWER IMPROVEMENT FUNDS.

22 22-8.1 [NEW MATERIAL] Creation of Funds. Separate funds, as may be required to meet
23 statutory requirements, shall be created to receive and disburse all monies arising from any source
24 intended to be used in the construction, reconstruction and enlargement of the sanitary sewer system
25 of the city. Such funds shall be paid out by the city upon warrants specifically mentioning the fund

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1 out of which the same are to be paid.

2 Section 60. A new section 22-9.1 is ordained to read:

3 22-9 [NEW MATERIAL] INDUSTRIAL PRETREATMENT REGULATIONS AND
4 PROCEDURES.

5 22-9.1 [NEW MATERIAL] General Provisions.

6 A. This section establishes uniform requirements for the direct and indirect
7 waste contribution to the wastewater collection and treatment system of the city of Santa Fe and
8 enables the city to comply with all applicable local, state and federal laws including the Clean Water
9 Act (33 U.S.C. 121 et seq.), and the general pretreatment regulations (40 CFR Part 403). The
10 objectives of this section include:

11 (1) To prevent the introduction of pollutants into the publicly owned
12 treatment works (POTW) which may potentially interfere with the operation of the system;

13 (2) To prevent the introduction of pollutants into the city of Santa Fe's
14 wastewater system which may potentially pass through the system, inadequately treated, into
15 receiving waters or the atmosphere or otherwise be incompatible with the system;

16 (3) To ensure that the quality and quantity of the waste treatment by-
17 products are maintained at a level which promotes the city's potential options for their beneficial
18 reuse, marketability, reclamation or disposal;

19 (4) To protect city personnel who may come into contact with
20 sewage, sludge, and effluent in the course of their employment as well as to protect the general
21 public;

22 (5) To preserve the hydraulic and solids handling capacities of the
23 POTW;

24 (6) To provide for equitable distribution of the cost of operation,
25 inspection of users, maintenance, and improvement of the city's wastewater system as it relates to the

1 industrial pretreatment program;

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2 (7) To improve the potential to minimize the quantity of wastewater
3 discharged by users, and to improve the potential to beneficially reuse, market, reclaim or dispose of
4 waste treatment by-products.

5 (8) To ensure that the city of Santa Fe complies with its national
6 pollution discharge elimination system (NPDES) permit conditions, sludge use, and disposal
7 requirements and any other federal or state laws to which the municipal wastewater system may be
8 subject; and

9 (9) To protect the city's economic interests in its wastewater treatment
10 system and its potential options for the beneficial reuse, marketing, reclamation or disposal of waste
11 treatment by-products.

12 B. This section provides for the regulation of discharges in the municipal
13 wastewater collection system through the issuance of permits to certain non-domestic users and
14 through enforcement of general requirements for other users, authorizes monitoring and enforcement
15 activities, establishes administrative review procedures, requires user reporting, and provides for the
16 setting of fees for the equitable distribution of costs resulting from the program established herein.

17 C. This section shall apply to all users of the sanitary sewer collection system
18 and the POTW. Except as otherwise provided herein, the division shall administer, implement, and
19 enforce the provisions of this section. By discharging wastewater into the city's POTW, industrial
20 users located beyond the municipal limits shall comply with terms and conditions established in this
21 section, as well as any permits or orders issued hereunder as if they were located within the
22 boundaries of the city of Santa Fe and subject to the jurisdiction of the city and the courts in the same
23 manner as any discharger located within the city limits.

24 Section 61. A new section 22-9.2 is ordained to read:
25 22-9.2 [NEW MATERIAL] General Sewer Use Requirements.

1 A. Limitations and prohibitions on the quantity and quality of wastewater
 2 which may be lawfully discharged into the POTW are hereby established. Pretreatment of some
 3 wastewater discharges shall be required to achieve compliance with this section and the Act. The
 4 specific limitations set forth herein are necessary to enable the city to meet requirements contained in
 5 its NPDES permit, to protect the public health and the environment, to protect the city's potential
 6 options for the beneficial reuse, marketing, reclamation or disposal of waste treatment by-products,
 7 and to provide efficient wastewater treatment and protect the health and safety of wastewater
 8 personnel.

9 B. The following pollutant limits are established to protect against potential
 10 pass through or potential interference. No person shall discharge wastewater containing in excess
 11 of the instantaneous maximum allowable discharge limits. These limits are the highest allowable
 12 concentration in any type of sample, either a grab or composite collected over any time interval
 13 and are as follows:

TABLE 22-1

Constituent	Local Discharge Limits
pH	5-11
Oil & Grease	200 mg/l (animal or vegetable)
Oil & Grease	100 mg/l (petroleum)
Arsenic	2.74 mg/l
Cadmium	0.09 mg/l
Chromium	5.32 mg/l
Copper	0.13 mg/l
Cyanide	0.24 mg/l

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1	Lead	0.39 mg/l
2	Mercury	0.01 mg/l
3	Nickel	4.95 mg/l
4	Silver	0.03 mg/l
5	Zinc	0.46 mg/l
6	Temperature	104°F @ Headworks
7	Temperature	140°F to POTW
8	Total Toxic Organics	2 mg/l

10 Total toxic organics (TTO) is the sum of all concentrations of organic compounds from a priority
11 pollutant scan, that are above the detection limit. TTO monitoring shall be required where applicable
12 under specific industries per 40 CFR or where the city division determines the necessity for a priority
13 pollutant scan to be performed to determine pollutant concentrations discharged.

14 C. Concentrations and the general prohibitions below in subparagraph D
15 hereof apply at the point where the industrial wastewater is monitored or as determined by the
16 Division. All concentrations for metallic substances are for "total" metal. The Division may impose
17 mass limitations in addition to or in place of the concentration based limitations above. Compliance
18 with all parameters may be determined from a single grab sample. Exceedance of any continuous or
19 instantaneous pollutant limits listed above constitutes a violation of this ordinance.

20 D. These general prohibitions shall apply to all users of the POTW whether or
21 not the user is subject to categorical pretreatment standards or any other national, state or local
22 pretreatment standards or requirements. The following pollutants shall not be introduced into the
23 city's sanitary sewer system and/or the POTW:

24 (1) Any pollutant or wastewater which may potentially interfere with
25 the operation of the POTW, or with the city's potential options for the beneficial reuse, marketing,

1 reclamation or disposal of waste treatment by-products.

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2 (2) Any liquids, solids or gases which, by reason of nature or quantity
3 are, or may be sufficient, either alone or by interaction with other substances, to cause fire or
4 explosion or be injurious in any other way to the POTW. Included in this prohibition are
5 wastestreams with a closed cup flashpoint of less than 140°F (60°C). The standard test method as
6 described in the ASTM D 3278-89 index, or any other method determined by the city will be applied.
7 At no time shall two successive readings on an explosion hazard meter at the point of discharge into
8 the POTW or at any point in the POTW be more than five percent (5%) nor any single reading over
9 ten percent (10%) of the lower explosive limits (LEL) of the meter. Prohibited materials include, but
10 are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones,
11 aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and anything else
12 which has been determined by the city, state or EPA to be a potential fire or other hazard to the
13 POTW.

14 (3) Solid or viscous substances in amounts which may potentially
15 cause obstruction to the flow anywhere in the POTW or otherwise interfere with the operation of the
16 POTW or pass through the treatment system but in no case solids greater than one half inch (1/2")
17 (1.27 centimeters) in any dimension. Prohibited substances include, but are not limited to manure,
18 whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw,
19 shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, concrete,
20 asphalt, residues from refining or processing of fuel or lubricating oil, mud, glass grindings, paraffin or
21 polishing wastes.

22 (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.)
23 released at a flow rate and/or concentration sufficient to cause interference.

24 (5) Any toxic pollutant or wastewater containing a toxic pollutant in
25 sufficient quantity, singly or by interaction with other pollutants, which may potentially injure or

1 interfere with any POTW treatment process, constitute a hazard to humans or animals, or create a
2 toxic effect in the POTW effluent as defined by this ordinance. In no case shall any discharge, toxic
3 pollutant or wastewater containing a toxic pollutant exceed national categorical pretreatment standard
4 limitations or the limits established by this ordinance or by any other ordinance adopted by the city.

5 (6) Any fats or greases, including but not limited to petroleum oil,
6 non-biodegradable cutting oil, complex carbon compounds, or products of mineral oil origin, in
7 amounts that will cause interference or pass through.

8 (7) Any wastewater having a pH less than 5.0 or more than 11.0, or
9 which may otherwise potentially cause corrosive structural damage to the POTW, or harm city
10 personnel or equipment.

11 (8) Any wastewater containing pollutants in such quantity (flow or
12 concentration), either singly or by interaction with other pollutants as to potentially cause pass through
13 or interfere with the POTW, any wastewater treatment or sludge process, or constitute a hazard to
14 humans or animals or otherwise to potentially impair the city's economic interests or the city's
15 potential options for the beneficial reuse, marketing, reclamation or disposal of waste treatment by-
16 products.

17 (9) Any liquids, gases or solids or other wastewater which, either
18 singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or
19 property or are sufficient to hinder entry into the sewers for maintenance and repair.

20 (10) Any substance which may potentially cause the waste treatment
21 by-products to tend to be unsuitable for the city's potential plans for the beneficial reuse,
22 marketability, reclamation or disposal of waste treatment by-products. In no case, shall a substance
23 discharged to the POTW cause the city to be in noncompliance with sludge use or disposal
24 regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air
25 Act, the Toxic Substances Control Act, or other state or local requirements applicable to the sludge use

1 and disposal practices being used by the city.

2 (11) Any wastewater which imparts color which cannot be removed by
3 the current treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions,
4 which consequently imparts color to the treatment plant effluent.

5 (12) Any wastewater having a temperature greater than 140°F (60°C),
6 or which will inhibit biological activity in the treatment plant resulting in interference, but in no case,
7 wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F
8 (40°C).

9 (13) Any discharge from an industrial user who is handling radioactive
10 materials under license from the Nuclear Regulatory Commission or the state, except hospitals and
11 medical professionals administering radioactive materials as part of medical diagnosis or treatment,
12 unless all of the following criteria are met:

13 (a) The industrial user demonstrates, to the satisfaction of the
14 Division, that discharge from its normal operations will not exceed the following limits as determined
15 at 25°C and pH7:

16 (i) Any radioactive material and any product in its decay chain
17 present in the discharge has a half-life no greater than 100 days; and

18 (ii) No radioactive compounds in a representative sample of
19 the discharge shall be present on the filter after the sample is filtered through a 0.45 micron filter; and

20 (iii) The concentration in a weekly representative sample is
21 1/50 of the concentration levels in 10 CFR 20 App. B, Table III; and

22 (iv) If more than one radioactive compound is discharged, the
23 sum of the fractions of the limit in (ii) above as determined by dividing the actual weekly average
24 concentration by 1/50 of the concentrations of the radioactive compounds listed in 10 CFR 20 App.B,
25 Table III, does not exceed unity.

1 (b) Any industrial user which demonstrates compliance with
2 subparagraph (a) shall be permitted to discharge, but shall analyze a representative sample of its
3 discharge weekly to demonstrate continuing compliance with such subparagraph (a) and shall retain
4 all such sampling records pursuant to Section 22-9.6 K of this ordinance. Any discharge which
5 exceeds the limits of subparagraph (a) shall be reported to the Division immediately by telephone, and
6 written confirmation of such report shall be hand-delivered to the Division within 24 hours thereafter.

7 (c) Any discharge which does not meet the requirements of
8 subparagraph (a) shall be considered a violation of this ordinance and of the industrial user's permit.

9 (14) Any trucked or hauled wastes, of more than 10 gallons, except at
10 authorized discharge points designated by the city and in accordance with city regulations for septic
11 tank and chemical toilet wastes transported into the sanitary sewer system and/or around the POTW.

12 (15) Storm water, surface water, ground water, artesian well water, roof
13 runoff, subsurface drainage, condensate, deionized water, cooling water, and unpolluted industrial
14 wastewater, unless specifically authorized in writing by the Division.

15 (16) Any industrial wastes containing floatable fats, waxes, grease or oils, or
16 which become floatable at the wastewater temperature at the introduction to the treatment plant
17 during the winter season.

18 (17) Any sludges, screenings, or other residues from the pretreatment of
19 industrial wastes.

20 (18) Any medical wastes, except as specifically authorized by the Division,
21 in a wastewater permit.

22 (19) Any material which, in the judgment of the city, contains ammonia,
23 ammonia salts, or other chelating agents which may potentially produce metallic complexes that may
24 interfere with the POTW.

25 (20) Any material considered hazardous waste according to 40 CFR Part

1 261.

2 (21) Portions of the human anatomy including but not limited to whole
3 blood and blood products discharged by medical facilities as waste.

4 (22) Any wastes containing detergents, surface active agents, or other
5 substances which may cause excessive foaming in the POTW's wastewater treatment system.

6 (23) Any substance which may cause the POTW to violate its NPDES
7 permit, or any other federal, state or local permits or requirements, including any receiving water
8 quality standards.

9 E. Wastes prohibited by this section shall not be processed or stored in such a
10 manner that these materials could be discharged to the POTW. All floor drains located in process or
11 materials storage areas must discharge to an industrial user's pretreatment facilities before connecting
12 with the POTW or be adequately protected to prevent accidental releases.

13 F. Users subject to categorical pretreatment standards are required to comply
14 with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405-471 and
15 incorporated herein by this reference, and any applicable local limits.

16 G. The city will accept into the POTW, septage waste only at the city designated
17 discharge points and only septic tank wastes which exhibit the characteristics of domestic wastes and
18 in accordance with the other provisions of this ordinance.

19 H. The city reserves the right to establish by ordinance or resolution or in
20 wastewater discharge permits, more stringent limitations or requirements on discharges to the POTW
21 if deemed reasonably necessary to comply with the objectives presented in this ordinance or the
22 general and specific prohibitions in this Section, or with any other reasonable objective of the city.

23 I. No user shall in any way attempt to dilute a discharge as a partial or complete
24 substitute for adequate treatment to achieve compliance with a discharge limitation.

25 Section 62. A new section 22-9.3 is ordained to read:

1 **22-9.3 [NEW MATERIAL] Pretreatment of Wastewater.**

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2 A. Industrial users shall provide, at their own expense, necessary wastewater
3 treatment required to comply with this ordinance and with all permit conditions and shall achieve
4 compliance with all categorical pretreatment standards or local limits or prohibitions, as defined by
5 Section 22-9.2. Any facilities or equipment reasonably required to pretreat wastewater to a level
6 required by this ordinance shall be installed, operated, and maintained at the industrial user's
7 expense.

8 B. Detailed plans showing all pretreatment facilities and operating procedures
9 and date of construction schedule shall be approved by the division before construction of the
10 facility. The approval of such plans and operating procedures will in no way relieve the user from the
11 responsibility of modifying the facility as necessary to produce an acceptable discharge under the
12 provisions of this ordinance.

13 (1) Within a time period specified by the Division, but in no case more
14 than one hundred eighty (180) days of the enactment of this ordinance, those existing users required
15 to by the division must complete and submit such a plan.

16 (2) No user required by this ordinance to install pretreatment facilities will
17 commence discharging industrial or commercial waste into the POTW until those required
18 pretreatment facilities have been installed and approved by the Division.

19 (3) Any significant changes in pretreatment facilities or methods of
20 operation shall be reported to the division prior to the user's initiation of the changes.

21 C. Those significant industrial users required to by the Division shall provide and
22 operate, at the user's expense, monitoring facilities for inspection, sampling and flow measurement of
23 the building sewer and internal drainage system. Said monitoring facilities may consist of, but need
24 not be limited to, instrumentation, sampling manholes and flow monitoring devices.

25 (1) Any such monitoring facility shall be situated on the user's premises

1 unless the Division determines that such a location would be impractical or cause undue hardship on
2 the user, in which case, the city may allow the monitoring facility to be constructed in a public street
3 or sidewalk area in a manner such that it will not be obstructed by landscaping, parked vehicles or
4 otherwise. No user shall construct such a monitoring facility unless there will be adequate room in or
5 near the sampling manhole or facility to allow accurate sampling and preparation of samples for
6 analysis. Standard city sampling manhole and associated details shall be utilized.

7 (2) Any such monitoring facility and sampling and measuring equipment
8 shall be constructed so as to be protected from vandalism and shall be maintained at all times in a safe
9 and proper operating condition at the expense of the user. It is the responsibility of the user to clear
10 graffiti or other visual nuisances.

11 (3) Wherever constructed, the sampling and monitoring facility shall
12 comply with all city requirements and all applicable local construction standards and specifications.
13 Monitoring facility designs shall follow the standard detail of the city of Santa Fe. Any exceptions or
14 changes must be approved by the division.

15 (4) Construction of any such monitoring facility shall be completed within
16 the time limit specified by the Division.

17 D. Users shall ensure that they or whoever occupies the premises where
18 wastewater is created or discharged shall allow the division, or its representative, upon presentation of
19 proper credentials, ready access at all times to all parts of the premises for the purposes of
20 surveillance, inspection, sampling, records examination and copying, or in the performance of any
21 other duty. Users shall grant the city, state, and EPA the right to set up on the user's property, such
22 devices as are reasonably necessary to conduct sampling, inspection, compliance monitoring,
23 metering, or any other functions related to enforcement of this ordinance. Users shall, where
24 applicable, make necessary arrangements with their security guards or other security system so that
25 personnel from the city, state, and EPA will be permitted to enter, without delay, to perform their

1 responsibilities.

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2 E. The director may impose temporary restrictions on industrial discharges,
3 designate that certain wastewater be discharged only into specific sewers, require relocation and/or
4 consolidation of points of discharge, require separation of domestic quality and commercial
5 wastestreams, or other such conditions as may be reasonable to protect the POTW or to evaluate the
6 industrial or commercial user's compliance with the requirements of this ordinance. Such restrictions
7 may be reviewed and amended periodically by the director.

8 (1) Grease, oil, and sand interceptors shall be provided in accordance
9 with applicable codes and ordinances.

10 (2) Industrial or commercial users with the potential to discharge volatile
11 substances may be required to install and maintain an approved combustible gas detection meter.

12 F. Where required by the division, industrial users shall provide protection from
13 accidental discharge of materials which may cause interference with the POTW by developing spill
14 prevention plans. Implementation of such plans shall be accomplished and maintained at the facility
15 user's expense. The spill prevention plans shall be reviewed by the division every two years to
16 determine adequacy. Spill prevention plans, including the facilities' construction and the operating
17 procedures shall be submitted to the division. Industrial users that store hazardous substances shall
18 not discharge to the municipal wastewater system after the effective date of this ordinance unless a
19 spill prevention plan has been approved by the division. Submittal of such plans shall not relieve the
20 user from complying with all other laws and regulations governing the use, storage, and transportation
21 of hazardous substances.

22 G. Where required by the division, industrial users shall provide and implement a
23 plan to protect the city sewer system from any slug discharge(s). Implementation of slug discharge
24 control plan(s) shall be accomplished and maintained at the industrial users expense. Slug discharge
25 control plan(s) will be reviewed by the division at anytime, not less than once every two (2) years to

1 determine adequacy.

2 H. Any person who shall occupy or operate the industrial user's facilities as a
3 tenant under any rental or lease agreement, oral or written, shall be jointly and severally responsible
4 for compliance with the provisions of this ordinance in the same manner as the facility owner.

5 I. All industrial or commercial users starting operation after the effective date of
6 this section shall separate domestic quality wastewaters from all industrial wastewaters until the
7 industrial wastewaters have passed through a required pretreatment system and/or the industrial user's
8 monitoring facility.

9 J. Every applicant for a permit under this section, and every new owner upon
10 approved transfer of a permit, at the time of application or transfer of permit, shall submit plans in
11 accordance with the ALARA principle (As Low As Reasonably Achievable), including
12 implementation timetables, setting forth a detailed description of the available alternative
13 technologies or processes which would reduce the quantity of the user's discharge or the quantity
14 of the pollutants in such discharge, as well as the cost and feasibility of such alternatives, together
15 with a detailed description of the methods and timetable by which the user intends to reduce the
16 amount and concentration of the pollutants in its discharge and the quantity of its discharges. Such
17 ALARA plans and implementation schedule shall require approval by the Division and when so
18 approved shall become part of the permit conditions. Failure to submit or to comply with such
19 plans and implementation schedules shall be considered a permit violation.

20 **Section 63. A new section 22-9.4 is ordained to read:**

21 **22-9.4 [NEW MATERIAL] Wastewater Permit Eligibility.**

22 A. When requested by the division, users must submit information on the
23 nature and characteristics of their wastewater by completing a wastewater questionnaire. The division
24 is authorized to prepare a form for this purpose and may periodically require users to respond to the
25 questionnaire. Failure to accurately complete this questionnaire within 30 calendar days shall be

1 grounds for disallowing or terminating service to the industrial user and shall be considered a violation
2 of this section. Additional information may be requested and/or a facility inspection performed by the
3 division to assist in determining the need to permit an industrial user. 1386693

4 B. It shall be unlawful for significant industrial users to discharge wastewater
5 into the city's sanitary sewer system without first obtaining a wastewater discharge permit from the
6 division. Any violation of the terms and conditions of a wastewater permit shall be deemed a violation
7 of this ordinance and subjects the industrial user to the sanctions set out in this ordinance. Obtaining
8 a wastewater permit does not relieve a permittee of its obligation to obtain other permits required by
9 federal, state, local or other applicable laws. Under special conditions, at their discretion, the division
10 may require other industrial users, including septage waste haulers, to obtain discharge permits as
11 reasonably necessary to carry out the purposes of this section.

12 C. Upon notice from the division, any significant industrial user who is
13 currently not permitted by the division and who discharges industrial waste into the POTW prior to
14 the effective date of this section and who wishes to continue such discharges in the future, shall within
15 90 calendar days after said notice, apply to the division for a discharge permit in accordance with this
16 ordinance, and shall not cause or allow discharges to the system to continue after 180 calendar days
17 of the effective date of this ordinance except in accordance with a permit issued by the division.

18 D. Any significant industrial user proposing to begin or recommence
19 discharging industrial wastes into the POTW shall, be required to obtain a discharge permit prior to
20 beginning such discharge. Any industrial user who has ceased discharge for any reason for a period of
21 six months or longer shall be considered a new source.

22 E. All industrial users required to have a permit must submit the following
23 information on an application form provided by the division. Incomplete or inaccurate applications
24 will not be processed and will be returned to the industrial user for revision.

25 (1) Name, mailing address, and business location (if different from the

- 1 mailing address);
- 2 (2) Environmental control permits held by or for the facility;
- 3 (3) Material safety data sheets;
- 4 (4) Standard industrial classification (SIC) codes for the facility and any
5 facility processes for which categorical pretreatment standards have been promulgated;
- 6 (5) Description of activities, facilities, and plant processes on the
7 premises, including a list of all raw materials and chemicals used at the facility.
- 8 (6) Number and type of employees, and hours of operation, and
9 proposed or actual hours of operation of the pretreatment system;
- 10 (7) Each product and by product produced by type, amount, process
11 or processes and rate of production;
- 12 (8) Type and amount of raw materials process (average and maximum
13 per day);
- 14 (9) The site plans, floor plans, and mechanical and plumbing plans
15 and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all
16 points of discharge;
- 17 (10) Time and duration of the discharge;
- 18 (11) Measured or estimated average daily and maximum daily flow, in
19 gallons per day, to the municipal system from categorical and other permitted process streams and
20 other streams as necessary to use the combined wastewater formula in 40 CFR 403.6(e);
- 21 (12) Daily maximum, daily average, and monthly average wastewater
22 flow rates, including daily, monthly, and seasonal variations, if any;
- 23 (13) Wastewater constituents and characteristics, including but not
24 limited to any pollutants in the discharge which are limited by any federal, state, or local standards,
25 pretreatment standards applicable to each categorical and other permitted process; and nature and

1 concentration (or mass if pretreatment is required) of pollutants in each process (daily maximum and
2 average concentration or mass when required by a pretreatment standard). Sampling and analysis will
3 be undertaken in accordance with 40 CFR Part 136 and with any local rule or regulation and shall
4 demonstrate compliance with all local, state and federal discharge regulations;

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5 (14) A statement by an authorized representative of the user and by a
6 certified by a professional engineer registered in New Mexico verifying that the pretreatment standards
7 listed in this ordinance are not being violated, and if they are, what additional pretreatment is
8 reasonably necessary. The statement shall contain certification by the authorized representative of the
9 user and by the engineer in the form set forth in Section 22-9.4F.

10 (15) If additional pretreatment and/or operation and maintenance will
11 be reasonably required to meet the pretreatment standards, the industrial user shall indicate the
12 shortest practicable time schedule necessary to accomplish installation or implementation of such
13 additional treatment and/or O&M. The completion date in this schedule shall not be longer than the
14 compliance date established for the applicable pretreatment standard. The following conditions apply
15 to this schedule:

16 (a) The schedule shall contain progress increments in the form of
17 dates for the commencement and completion of major events leading to the construction and
18 operation of additional pretreatment required for the user to meet the applicable pretreatment
19 standards (such events include hiring an engineer, completing preliminary plans, completing
20 construction, beginning operation, and conducting routine operation). No increment referred to
21 above shall exceed nine months, nor shall the total compliance period exceed 18 months.

22 (b) No later than seven calendar days following each date in the
23 schedule and the final date for compliance, the user shall submit a progress report to the division
24 including, as a minimum, whether or not it has complied with the increment of progress, the reason
25 for any delay, and if appropriate, the steps being taken by the user to return to the established

1 schedule. In no event shall more than nine months elapse between such progress reports to the
2 division. 1386696

3 (16) Any other information as may deemed by the division to be
4 reasonably necessary to evaluate the permit application.

5 (17) ALARA plans as set forth in Section 22-9.2 J.

6 F. All permit applications, ALARA plans as set forth in Section 22-9.2() and
7 industrial user reports must contain the following certification statement and be signed by an
8 authorized representative of the industrial user.

9 "I certify under penalty of perjury that this document and all
10 attachments were prepared under my direction or supervision in
11 accordance with a system designed to assure that qualified personnel
12 properly gather and evaluate the information submitted. Based on my
13 inquiry of the person or persons who manage the system, or those
14 persons directly responsible for gathering the information, the
15 information submitted is, to the best of my knowledge and belief, true,
16 accurate, and complete. I am aware that there are significant penalties
17 for submitting false information, including the possibility of fine and
18 imprisonment."

19 **Section 64. A new section 22-9.5 is ordained to read:**

20 **22-9.5 [NEW MATERIAL] Discharge Permit Issuance Process.**

21 A. Permits shall be issued for a specified time period, not to exceed five years.
22 Each permit will indicate a specific date upon which it will expire. Standard permit lengths are three
23 years for industries subject to categorical standards per the definition in Section 22-2.1 in this section
24 and up to five years for all other significant industries. At the division's discretion, permits may be
25 issued for periods of lesser duration.

1 B. Wastewater permits shall include such conditions as are reasonably
2 deemed necessary by the division to prevent pass through or interference, protect the quality of the
3 water body receiving the treatment plant's effluent, protect worker health and safety, facilitate and
4 improve the city's potential options for beneficial reuse, marketing, reclamation or disposal of the
5 waste treatment by-products, protect ambient air quality, and protect against damage to the POTW.

6 (1) Discharge permits must contain the following:

7 (a) A statement that indicates permit duration, which in no event
8 shall exceed five years.

9 (b) A statement that the permit is nontransferable without prior
10 notification to and approval from the division and provisions for furnishing the new owner or operator
11 with a copy of the existing permit.

12 (c) Effluent limits applicable to the user based on applicable
13 standards in federal, state and local law.

14 (d) Self monitoring, sampling, reporting, notification, and record
15 keeping requirements. These requirements shall include, but are not limited to, an identification of
16 pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal,
17 state, and local law.

18 (e) Statement of applicable penalties for violation of pretreatment
19 requirements, compliance schedules, and permit conditions.

20 (f) Requirements for immediate reporting of any instance of
21 noncompliance and for automatic resampling and reporting within 30 calendar days where self-
22 monitoring indicates a violation(s).

23 (g) Requirements for maintaining and retaining plant records
24 relating to wastewater discharge as specified by this section and affording the division access thereto.

25 (h) Requirements for prior notification and approval by the

1 division of any new introduction of wastewater pollutants or any significant change in the volume
2 character of the wastewater prior or introduction in the POTW. 1386698

3 (i) Requirements for the prior notification and approval by the
4 division of any change in the manufacturing and/or pretreatment process used by the permittee.

5 (j) Requirements for immediate notification of accidental or slug
6 discharges.

7 (k) A statement that violation of any local, state, or federal
8 standard or requirement impacting a user's discharge shall be considered a violation of this ordinance.

9 (l) The ALARA plans set forth in Section 22-9.3(j).

10 (2) Permits may contain, but need not be limited to, the following:

11 (a) Limits on the average and maximum rate of discharge, limits
12 on the time of discharge, and requirement for flow regulation and equalization.

13 (b) Limits on the instantaneous, daily and monthly average
14 discharges and maximum concentration, mass, or other measure of identified wastewater pollutants or
15 properties.

16 (c) Requirements for the installation of applicable levels of
17 pretreatment technology designed to reduce, eliminate or prevent the introduction of pollutants into
18 the POTW.

19 (d) Development and implementation of spill control and/or slug
20 discharge control plans or other special conditions including management practices necessary to
21 adequately prevent accidental, unanticipated, or routine discharges.

22 (e) The unit charge or schedule of user charges or fees for the
23 management of the wastewater discharged to the POTW.

24 (f) Requirements for installation and maintenance of inspection
25 and sampling facilities and equipment.

1 (g) Specifications for monitoring programs which may include
2 sampling locations, frequency of sampling, number, types, and standards for tests, and reporting
3 schedules. 1386699

4 (h) Compliance schedules for meeting pretreatment standards and
5 requirements.

6 (i) Requirements for submission of periodic self-monitoring.

7 (j) A statement that compliance with the industrial user's permit
8 does not relieve the permittee of responsibility for compliance with all applicable federal, state and
9 local pretreatment standards, including those which become effective during the term of the permit.

10 (k) Other conditions as deemed appropriate by the division to
11 promote compliance with this ordinance, and other local, state and federal laws, rules, and
12 regulations.

13 C. Within 60 calendar days of receipt of completed applications, the division
14 shall review and evaluate the applications, deny any application which does not, in the opinion of the
15 Division, meet the requirements of this ordinance, and shall propose such other special conditions as
16 it deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of
17 this section and all other applicable ordinances, laws and regulations. The division will act only on
18 applications that are accompanied by a complete report outlining all information required by this
19 section. Persons who have filed incomplete applications will be notified by the division of the nature
20 of the deficiency and will be given a deadline to correct the deficiency. If the deficiency is not
21 corrected within the specified deadline, the division shall deny the application for a wastewater
22 discharge permit and notify the applicant in writing of such action.

23 D. Upon notification to the industrial user, the division at any time, may
24 modify the permit for reasons including, but not limited to, the following:

25 (1) To incorporate any new or revised federal, state, or local

1 pretreatment standards or requirements.

1386700

2 (2) To address alterations or additions to the industrial user's
3 operation, processes, or wastewater volume or quality since the time of permit issuance.

4 (3) A change in the POTW or to the condition of the POTW that
5 requires either a temporary or permanent reduction or elimination of the authorized discharge.

6 (4) Information indicating that the permitted discharge poses a
7 potential threat to the POTW, or to the city's potential options for the beneficial reuse, marketing,
8 reclamation or disposal of the waste treatment by-products.

9 (5) In response to violations of any terms or conditions of the
10 wastewater permit.

11 (6) To correct misrepresentation or failure to disclose fully all relevant
12 facts in the permit application or in any required reporting.

13 (7) The revision of or a grant of variance from categorical pretreatment
14 standards pursuant to 40 CFR 403.13.

15 (8) To correct typographical or other errors in the permit.

16 (9) To reflect a transfer of the facility ownership or operation to a new
17 owner/operator.

18 E. Permits may be reassigned or transferred to a new owner or operator with
19 prior approval of the division. Failure to provide advance notice of a transfer along with the below
20 listed information renders the wastewater permit voidable by the division on the date of facility
21 transfer. The notice must include a written certification by the new owner which:

22 (1) States that the new owner has no present intent to change the
23 facility operations and processes.

24 (2) Identifies the specific date on which the transfer is to occur.

25 (3) Acknowledges full responsibility for complying with the existing

1 permit.

2 (4) Facility contact, operator and authorized representative.

3 F. Permits may be suspended or terminated for the following reasons:

4 (1) Failure to notify the division of significant changes to the
5 wastewater and/or process prior to the changed conditions;

6 (2) False or inaccurate self-monitoring reports;

7 (3) Tampering with monitoring equipment;

8 (4) Refusing to allow the division timely access to the facility premises

9 or records;

10 (5) Failure to meet effluent limitations;

11 (6) Failure to pay fines or penalties assessed for violations to this

12 section;

13 (7) Failure to meet compliance schedules;

14 (8) Failure to submit accurate periodic compliance reports;

15 (9) Failure to complete a wastewater survey;

16 (10) Failure to provide the required notice of the transfer of a permitted

17 facility;

18 (11) Making false statements or representations to the Division

19 (12) Violation of any pretreatment standard or requirement or any terms

20 of the permit or this ordinance, or of any local, state or federal law affecting discharge.

21 G. Permits shall be voidable upon cessation of operations for periods greater
22 than six months. All prior permits are void upon the issuance of a new wastewater permit.

23 H. A significant industrial user shall apply for permit reissuance by submitting a
24 complete permit application in accordance with this section a minimum of 90 calendar days prior to
25 the expiration of the user's existing permit.

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Section 65. A new section 22-9.6 is ordained to read:

1386702

22-9.6 [NEW MATERIAL] Reporting Requirements.

A. Within 180 days after the effective date of a categorical standard, or 180 days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall submit to the division, a baseline monitoring report which shall contain the information listed below. A baseline monitoring report must be submitted by industrial users subject to pretreatment standards and requirements 90 days prior to the approval and issuance of a discharge permit authorizing commencement of discharge. Industrial users with an existing permit that have changed processes or sources so as to become a new source shall submit a baseline monitoring report 90 days prior to commencement of discharge, contingent on approval by the division. A baseline monitoring report must be submitted 90 days prior to the expiration date of an existing discharge permit. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards and any other local, state or federal laws or regulations governing its discharge. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(1) The information required by this section shall include:

- (a) Name and address of the facility including the name of the operator and owners;
- (b) A list of any environmental control permits held by the user or for the facility;
- (c) A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the system from the regulated processes;

1 (d) Information showing the measured average daily and
2 maximum daily flow, in gallons per day, to the system from regulated process streams and other
3 streams as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);

4 (e) Measurement of pollutants.

1386703

5 (i) The industrial user shall identify the categorical
6 pretreatment standards and any other local, state or federal laws affecting its discharge applicable to
7 each regulated process and sample to demonstrate compliance during the required reporting period.
8 Sampling shall be performed and reported every six (6) months, at a minimum.

9 (ii) In addition, the industrial user shall submit the results
10 of sampling and analysis identifying the nature and concentration (and/or mass, where required by the
11 federal categorical standards or by the Division) of regulated pollutants in the discharge from each
12 regulated process. Instantaneous, daily maximum and long term average concentrations (or mass,
13 where required) shall be reported. The sample shall be representative of daily operations and shall be
14 performed in accordance with procedures set out in 40 CFR Part 136;

15 (iii) A minimum of four (4) grab samples must be used for
16 composite cyanide, total phenols, and volatile organics. All other pollutants will be measured by
17 composite samples obtained through flow proportional sampling techniques. If flow proportional
18 composite sampling is infeasible, samples may be obtained through time proportional sampling
19 techniques or through four grab samples if the user demonstrates to the division's satisfaction that such
20 a sample will be representative of the discharge.

21 (f) A statement shall be provided which is approved by an
22 authorized representative of the industrial user and by a certified professional engineer registered in
23 New Mexico, verifying that pretreatment standards and all other local, state and federal regulations
24 affecting discharge are being met on a consistent basis and, if not, whether additional operation and
25 maintenance (O&M) and/or additional pretreatment is required in order to comply.

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(g) Whether or not additional pretreatment and/or O&M will be

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required to meet the pretreatment standards, and all other local, state and federal regulations affecting discharge, the industrial user shall be required to meet the shortest reasonable schedule, as defined by the city, to provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(h) All baseline monitoring reports must be signed and certified in accordance with Section 22-9.4(F) of this ordinance.

B. Within 90 calendar days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the division a report containing the information described in Section 22-9.6(A). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 406(c), this report shall contain a reasonable measure or estimate of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this section and with Section 22-9.4(F).

C. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the division, but in no case less than twice per year, submit a report indicating the characteristics and concentration of pollutants in the discharge which are limited by such pretreatment standards and the city's local limits and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Section and with Section 22-9.4(F).

1 (1) All wastewater samples must be representative of the industrial
2 user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated,
3 kept clean, and maintained in good working order at all times. The failure of an industrial user to
4 keep its monitoring facility in good working order shall not be grounds for the industrial user to claim
5 that sample results are unrepresentative of its discharge.

6 (2) In the event an industrial user's monitoring results indicate a
7 violation of this ordinance has occurred, the industrial user shall immediately notify the division and
8 resample its discharge. The industrial user must report the results of the repeated sampling within
9 thirty (30) calendar days of discovering the first violation.

10 D. Each industrial user is required to notify the division of any planned
11 significant changes to the industrial user's operations or pretreatment systems which might alter the
12 characteristics, quality or volume of its wastewater.

13 (1) The division may require the industrial user to submit information
14 as necessary to evaluate the changed condition, including the submission of a wastewater permit
15 application, if necessary.

16 (2) The division may issue a discharge permit under Section 22.7.5 or
17 modify an existing wastewater permit under Section 22-9.5(E).

18 (3) No industrial user shall implement the planned changed
19 condition(s) until and unless the division has responded to the industrial user's notice.

20 (4) Daily flow average increases of 20% or greater and/or the
21 discharge of any previously unreported pollutant shall be deemed significant.

22 E. Industrial users shall notify the division of any discharge of a substance,
23 which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261 (regulations
24 promulgated under RCRA). The notification must indicate the name, hazardous waste number and
25 type of discharge (continuous, batch, or other). This notification must otherwise meet the

1 requirements of 40 CFR 403.12 (p). Discharges of less than 15 kilograms of non-acute hazardous
2 wastes in any calendar month may be exempt from this requirement at the discretion of the division, if
3 allowed by the federal regulations. 1386706

4 F. Each industrial user shall take reasonable measures to predict and prevent
5 any prohibited discharges of substances regulated by this section. Devices and systems to prevent
6 prohibited discharges shall be provided and maintained at the facility owner's or user's expense. For
7 those industries required to submit a spill prevention and/or slug discharge control plan in accordance
8 with this ordinance, detailed plans showing any pretreatment systems facilities and operating
9 procedures to provide this protection shall be submitted to the division prior to construction. Review
10 of such plans and operating procedures shall not relieve the industrial user from the responsibility to
11 modify the user's facility as necessary to meet the requirements of this ordinance.

12 (1) Industrial users who commence contributions to the POTW after
13 the effective date of this ordinance and who are defined by the division, as significant industrial users,
14 shall not be permitted to introduce pollutants into the POTW until an accidental discharge response
15 plan has been approved by the division.

16 (2) In any case of prohibited discharge which may potentially upset,
17 interfere or pass through the treatment facilities, or cause potential health hazards to POTW personnel,
18 or impair the city's potential options for the beneficial reuse, marketing, reclamation or disposal of
19 waste treatment by-products, the user shall immediately telephone and notify the division of the
20 incident. This notification shall include the location of the discharge, type of waste, concentration and
21 volume, if known, and corrective actions taken by the user. Failure to notify the division of any
22 prohibited discharge under this section within one hour of recognition of the discharge constitutes a
23 violation of this section.

24 (3) Within five calendar days following prohibited discharge, the user
25 shall, unless exempted by the division, submit a detailed written report describing the cause(s) of the

1 discharge and the measures to be taken by the user to prevent similar future occurrences. Such
2 notification shall not relieve the user of any liability which may be incurred as a result of such
3 discharge; nor shall such notification relieve the user of any fines, criminal or civil penalties, or other
4 liability. 1386707

5 (4) A notice shall be permanently posted on the user's bulletin board
6 or other prominent place advising employees whom to call in the event of a prohibited discharge
7 described in paragraph F(2), above. Employers shall ensure that all employees are advised of the
8 emergency notification procedure.

9 G. Industrial users not subject to categorical pretreatment standards and not
10 required to obtain a discharge permit shall, as required by the division, provide any information or
11 reports that are deemed by the division to be necessary.

12 H. Except as indicated in (1), below, wastewater samples collected for
13 purposes of determining industrial user compliance with pretreatment standards and requirements and
14 all other local, state, or federal regulations affecting discharge must be obtained using flow
15 proportional composite collection techniques. In the event flow proportional sampling is infeasible,
16 the division may authorize, in writing, the use of time proportional sampling.

17 (1) Samples for oil and grease, temperature, pH, cyanide, phenols,
18 toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

19 (2) Where required by the division, flow measurements may be
20 required by use of suitable methods as approved by the division. Such flow measurement methods
21 shall be installed in the system and maintained at the expense of the user.

22 (3) Where required by the division, manholes shall be required to be
23 placed in the industrial user's wastewater system for the purpose of monitoring and periodic sampling
24 of the wastewater effluent. Such manholes will meet all standards and specifications as set forth by
25 the division and shall be maintained at the industrial user's expense.

1 I. All wastewater analyses, sample collection, including sampling techniques,
2 preservation and holding times to be submitted as part of a permit application or report, shall be
3 performed in accordance with the techniques prescribed in 40 CFR Part 136. If 40 CFR Part 136 does
4 not contain sampling or analytical techniques for the pollutant in question sampling and analysis shall
5 be done, in accordance with procedures approved by the EPA and/or the Division.

6 J. The division shall recover its expenses incurred in collecting and analyzing
7 samples of the industrial user's discharge, or in having the collection or analysis performed by an
8 independent firm, by adding the costs to the industrial user's permit fee or by separate billing for
9 scheduled monitoring and for non-scheduled compliance monitoring.

10 K. Industrial users shall retain, and make available for inspection and copying,
11 all records and information required to be retained under 40 CFR.403.12(o) or as required by the
12 division. These records shall remain available for a period of at least three years. This retention
13 period shall be automatically extended for the duration of any litigation or administrative action
14 concerning compliance with this section, or where the industrial user has been specifically notified of
15 a longer retention period by the division.

16 Section 66. A new section 22-9.7 is ordained to read:

17 22-9.7 [NEW MATERIAL] Compliance Monitoring.

18 A. The division shall have the right to enter the facilities of any industrial user
19 or applicant to ascertain compliance with the requirements of this ordinance or any local, state, or
20 federal regulations affecting discharge. All actual and/or industrial users or applicants shall allow the
21 division ready access to all parts of the premises for the purposes of inspection, sampling, records
22 examination and copying, and the performance of any related duties. The division shall sample and
23 monitor each permitted facility at least once annually and more frequently if as the Division
24 determines reasonable in order to determine compliance.

25 (1) Where a user has security measures in force which require proper

1 identification and clearance before entry into their premises, the industrial user shall make necessary
2 arrangements with its security guards so that, upon presentation of suitable identification, personnel
3 from the division, state, and U.S. EPA will be permitted to enter, without delay, for the purpose of
4 performing their responsibilities. 1386709

5 (2) The division, state, and U.S. EPA shall be permitted to set up or
6 require installation on the industrial user's property, of such devices as are reasonably necessary to
7 conduct sampling, and/or metering of the user's operations.

8 (3) The division may require the industrial user to install monitoring
9 equipment. The facility's sampling and monitoring equipment shall be maintained at all times in a
10 safe and proper operating condition by the industrial user at the industrial user's expense. All devices
11 used to measure wastewater flow and quantity shall be calibrated periodically in accordance with the
12 manufacturers guidelines by the industrial user to ensure their accuracy. Records of calibration
13 methods and frequency shall be made available to the division upon request. Costs of laboratory
14 testing or analysis by an outside firm approved by the city for permit compliance monitoring shall be
15 the responsibility of the user.

16 (4) Any temporary or permanent obstruction to safe and easy access to
17 the industrial users premises shall be promptly removed by the industrial user at the written or verbal
18 request of the division and shall not be replaced. The costs of clearing such access shall be borne by
19 the industrial user.

20 (5) Unreasonable delays in allowing division personnel access to the
21 industrial user's premises shall be considered a violation of this ordinance.

22 **Section 67. A new section 22-9.8 is ordained to read:**

23 **22-9.8 [NEW MATERIAL] Confidential Information.** Information and data on an industrial
24 user obtained from reports, questionnaires, permit applications, permits, and monitoring programs,
25 and from division inspection and sampling activities, shall be available to the public without

1 restriction unless the industrial user is able to demonstrate, in writing and to the satisfaction of the
2 division that the release of such information would divulge information, processes or methods of
3 production entitled to protection as trade secrets or proprietary information. 1386710

4 A. Wastewater constituents and characteristics and other "effluent data" as
5 defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to
6 the public without restriction.

7 B. When proved by the industrial user to the satisfaction of the division that
8 such information should be held confidential, the portions of a report which discloses trade secrets or
9 secret processes shall not be made available for inspection by the public but shall be made available
10 immediately upon request to governmental agencies for uses related to this ordinance, the national
11 pollutant discharge elimination system (NPDES) program, and in enforcement proceedings involving
12 the person furnishing the report. The division shall take reasonable measures to preserve the
13 confidential nature of such information.

14 **Section 68. A new section 22-9.9 is ordained to read:**

15 **22-9.9 [NEW MATERIAL] Publication of Significant Violators.** The division shall annually
16 publish, in the largest daily newspaper circulated in the area where the POTW is located, a list of the
17 industrial users which, during the previous 12 months, were in significant noncompliance with
18 applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

19 A. Sixty-six percent or more of wastewater measurements taken during a six
20 month period exceed the discharge limit for the same pollutant parameter by any amount;

21 B. Thirty-three percent or more of wastewater measurements taken during a
22 six month period equals or exceeds the product of the daily maximum limit or the average limit
23 multiplied by 1.4 for fats, oils and grease, and 1.2 for all other pollutants except for pH.

24 C. Any other discharge violation that may cause, alone or in combination with
25 other discharges, interference or pass through (including endangering the health of city personnel or

1 the general public) or which may potentially impair the city's potential options for the beneficial
2 reuse, marketing, reclamation or disposal of the waste treatment by-products. 1386711

3 D. Any discharge of pollutants that has caused imminent endangerment to the
4 public or to the environment, or has resulted in the division's exercise of its emergency authority to
5 halt or prevent such a discharge;

6 E. Failure to meet, within 90 calendar days of the scheduled date, a
7 compliance schedule milestone contained in a permit or enforcement order for starting construction,
8 completing construction, or attaining final compliance;

9 F. Failure to provide, within 30 calendar days after the due date, any required
10 reports, including baseline monitoring reports, 90 day compliance reports, periodic self monitoring
11 reports, and reports on compliance with compliance schedules;

12 G. Failure to report noncompliance; or

13 H. Any other violation(s) which the division determines may adversely affect
14 the operation of the POTW or implementation of this ordinance.

15 I. Significant non-compliance due to the quality of the water supply shall not
16 be grounds for publication of the user's name.

17 Section 69. A new section 22-9.10 is ordained to read:

18 22-9.10[NEW MATERIAL] Miscellaneous Charges and Fee Provisions. The division shall
19 adopt reasonable charges and fees for reimbursement of costs of setting up and operating the
20 municipal pretreatment program which shall include:

21 A. Fee for permit applications including the cost of processing such
22 applications;

23 B. Fees for monitoring, inspection, and surveillance procedures including the
24 cost of reviewing monitoring reports submitted by industrial users; and the costs of monitoring or
25 analysis by independent firms when so required by the division.

1 C. Fees for reviewing and responding to accidental discharge procedures and
2 construction; 1386712

3 D. Other fees as the division may deem necessary to carry out the purposes set
4 forth herein. These fees relate solely to the matters covered by these regulations and are separate
5 from all other fees, fines, and penalties chargeable by the division.

6 Section 70. A new section 22-10.1 is ordained to read:

7 22-10 [NEW MATERIAL] WASTEWATER EXTRA-STRENGTH SURCHARGE
8 PROGRAM.

9 22-10.1 [NEW MATERIAL] Scope.

10 A. The purpose of this section is to provide for the equitable distribution of the
11 costs of conveying, treating, operating and maintaining the POTW.

12 B. These provisions shall apply to all non-residential wastewater dischargers
13 using the city POTW and shall be administered by the division.

14 Section 71. A new section 22-10.2 is ordained to read:

15 22-10.2 [NEW MATERIAL] Surcharge Parameters. The city shall maintain appropriate
16 surcharge parameters based on federal and state requirements placed on the operation, maintenance
17 and performance of the POTW. The parameters may include but shall not be limited to the following:

18 A. Flow, COD and TSS.

19 B. A base flow in gpd and concentration in mg/l for each wastewater
20 parameter may be established by the city. The user will be surcharged for discharges in excess of
21 the base.

22 C. The city may apply any or all of the parameters to the user as appropriate.

23 Section 72. A new section 22-10.3 is ordained to read:

24 22-10.3 [NEW MATERIAL] User Categories. The city may place each user in a user
25 category for purposes of developing a category mean for flows and parameters.

1 Section 73. A new section 22-10.4 is ordained to read:

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2 22-10.4 [NEW MATERIAL] Estimation of Wastewater Flows.

3 A. The city will estimate the quantity of wastewater discharged by the user.
4 The amount of wastewater discharged shall be assumed to be 90% of the water consumed unless the
5 user can provide acceptable evidence to the city showing otherwise.

6 B. The city may require that the user install water measuring equipment and
7 other related items to assist with making this determination, if water service is not provided by the city.

8 C. The city may require the user to report readings and make meter available
9 for the city to spot check.

10 D. The user shall provide a safe, secure location meeting the city's
11 requirements for conducting flow measurement studies within 60 days of receipt of the city's request.

12 Section 74. A new section 22-10.5 is ordained to read:

13 22-10.5 [NEW MATERIAL] Discharge Sampling

14 A. The city shall determine the location for all wastewater sampling. The user
15 shall provide a safe, secure location meeting the city's requirements for the wastewater sampling
16 within 60 days of receipt of the city's request.

17 B. The method of sampling shall be determined by the city. Methods may
18 include grab or composite depending on the user's flow, access, process and other variables. The
19 standard shall be a time-weighted six day composite.

20 C. The duration and frequency of sampling shall be determined by the city.
21 Duration and frequency may include single samples or multiple samples taken over a period of time
22 depending on the user's flows, access, process, hours of operation and other variables. The sampling
23 shall be done once every two years, or as otherwise determined by the city.

24 D. All wastewater analysis shall comply with the requirements listed in 40 CFR
25 136 and/or the standard methods.

Section 75. A new section 22-10.6 is ordained to read:

2 22-10.6 [NEW MATERIAL] Estimation of Wastewater Parameter Concentrations. In lieu
3 of wastewater sampling and testing, the city has the option of estimating one or all of the user's
4 discharge parameter concentration and mass based on the information developed from other users or
5 on incomplete information on the user's discharge.

6 Section 76. A new section 22-10.7 is ordained to read:

7 22-10.7 [NEW MATERIAL] Wastewater Resampling.

8 A. The city may perform a resample if the results of the analysis do not appear
9 to correspond with the user's operation or for other reasons determined by the city. Resampling shall
10 follow the same procedure as for discharge sampling. The city may perform periodic resampling and
11 inspections to assure continued compliance with these rules and regulations, including inspection of
12 grease trap pumping records.

13 B. Individual users may resample their wastewater and have it tested by a city-
14 approved lab and present the resulting data to the city for its review. The industrial user shall be
15 responsible for all costs associated with the resampling and testing, and reporting shall comply with
16 the following requirements:

17 (1) Testing shall be performed in accordance with 40 CFR 136 and/or
18 the standard methods.

19 (2) The resampling shall follow procedures described by the division.

20 C. Recovery of resampling costs performed by the city at the request of the
21 user shall be reimbursed in accordance with the fees as shown in Exhibit A.

22 Section 77. A new section 22-10.8 is ordained to read:

23 22-10.8 [NEW MATERIAL] Assessment of the Surcharge.

24 A. The city will assess the surcharge on the users found to be discharging
25 wastewater above the base surcharge parameters.

1 B. Calculation of surcharge will be made in accordance with Exhibit A of this
2 section. 1386715

3 Section 78. A new section 22-10.9 is ordained to read:

4 22-10.9 [NEW MATERIAL] Surcharge Billing. The city shall include the surcharge on the
5 user's monthly wastewater bill. It shall be identified as a separate surcharge fee to the user.

6 Section 79. A new section 22-10.10 is ordained to read:

7 22-10.10 [NEW MATERIAL] Discharge Credits. No credits shall be given for wastewater
8 discharged at a concentration less than the base domestic concentration.

9 Section 80. A new section 22-10.11 is ordained to read:

10 22-10.11 [NEW MATERIAL] Violations. Violations against these rules and regulations
11 include:

12 A. Disregard of notification(s) issued by the city to install proper sampling
13 equipment, sampling port or other items requested by the city.

14 B. Upon being shown proper identification, refusing to allow city personnel
15 on user's property for the purpose of user category verification, locating a sampling port, monitoring,
16 estimating water usage or for developing or confirming other information necessary for the program's
17 administration.

18 C. Removing, damaging, relocating or tampering with sampling and
19 monitoring equipment.

20 D. Improperly maintaining a grease trap.

21 E. Non-payment of surcharge over 30 days past due.

22 Section 81. A new section 22-11.1 is ordained to read:

23 22-11 [NEW MATERIAL] GREASE INTERCEPTOR FACILITIES.

24 22-11.1 [NEW MATERIAL] Description. The purpose of an interior or exterior grease
25 interceptor is to remove grease or oil from sewage prior to discharge to the public sanitary sewer.

1 These interceptors serve as small flotation chambers where grease rises to the water surface and is
2 retained, while the clearer water underneath is discharged. The use of word interceptor is
3 interchangeable with the word trap.

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4 **Section 82. A new section 22-11.2 is ordained to read:**

5 **22-11.2 [NEW MATERIAL] Regulatory Guideline.** No water or waste containing
6 substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and
7 one hundred fifty (150) degrees Fahrenheit shall be discharged into any public sanitary sewer.

8 **Section 83. A new section 22-11.3 is ordained to read:**

9 **22-11.3 [NEW MATERIAL] Special Requirements:** The size and type of grease interceptor
10 shall be subject to the approval of the city's building inspection division. The grease interceptor shall
11 be installed in a line separate from other sanitary plumbing facilities. In general, all grease interceptors
12 shall be designed for exterior installation, of capacity sufficient to service those grease generating
13 fixtures connected thereto. Wastes other than those requiring separation shall not be discharged into
14 the grease interceptor. Grease traps shall be designed, located and constructed in a manner that will
15 permit easy access and maintenance by the user and inspection by the city.

16 **Section 84. A new section 22-11.4 is ordained to read:**

17 **22-11.4 [NEW MATERIAL] Grease Interceptor Standards.** The minimum requirements for
18 interceptor sizing, construction, materials and other features shall be those required by the Unified
19 Plumbing Code (UPC), latest edition and any modifications, revisions or amendments made by the
20 city's building inspection division.

21 **Section 85. A new section 22-11.5 is ordained to read:**

22 **22-11.5 [NEW MATERIAL] Pre-Existing Grease Interceptors.** Grease interceptors existing
23 upon the adoption of this ordinance shall not be exempt from the provisions in this section.

24 **Section 86. A new section 22-11.6 is ordained to read:**

25 **22-11.6 [NEW MATERIAL] Maintenance:** Grease traps shall be cleaned at or before the

1 receptacle reaches seventy-five percent (75%) of its design capacity. The operator of a grease trap
2 shall maintain a log book of all maintenance activities and evidence of grease disposal in accordance
3 with city, state and federal regulations. Grease traps shall be subject to unannounced inspection by
4 the city's industrial pretreatment section at any time during their operation.

5 Section 87. A new section 22-11.7 is ordained to read:

6 22-11.7 [NEW MATERIAL] Grease Interceptor Requirements.

7 A. All restaurants, cafeterias, institutional kitchens, and other installations
8 having facilities for the preparation and serving of food in quantity, laundromats, car washes, gas
9 stations, auto machinery garages and car washes, and art shops or art galleries where the potential for
10 discharge of grease, oils and waxes into the sanitary sewer system exists, whose location is within the
11 city's sanitary sewer service area shall be required to install a grease interceptor.

12 B. Any facility as listed above, that is currently operating without the required
13 grease interceptor, even though there may have been no history of blockages caused at or
14 downstream from their location, shall be required to install a grease interceptor.

15 C. Customer shall submit plans or technical drawings to install a grease trap as
16 stipulated in this section, within three (3) months after receiving notice of noncompliance.

17 D. Customer shall then have up to six (6) additional months to install the
18 grease interceptor, upon approval of the drawings by the city's building inspection division.

19 E. An application for a new water or sewer service connection may be denied
20 pending installation of a grease interceptor.

21 F. Any commercial or industrial facility, currently on an on-site sewer system
22 and making an application to connect to the public sanitary sewer, shall install or show proof of
23 installation of a grease interceptor, according to the parameters of this section, prior to approval of the
24 application.

25 G. Septic tank waste from any commercial or industrial user within the public

1 sewer service area who desires to dispose of such waste via the city's septage receiving station, shall,
2 prior to approval of such an application, install a grease interceptor in accordance with the
3 requirements of this section. 1386718

4 H. When any commercial or industrial facility that is found to have grease
5 traps which are inadequate to meet the requirements of this section, and is connected to the public
6 sanitary sewer system, and/or is in the process of changing owners, lessees or renters, the fee simple
7 owner shall be required to update the system in compliance with these rules and regulations before
8 the new owner or operator will be allowed to commence discharge.

9 Section 88. A new section 22-12.1 is ordained to read:

10 22-12 [NEW MATERIAL] PENALTIES, ENFORCEMENT, AND ADMINISTRATIVE REVIEW.

11 22-12.1 [NEW MATERIAL] Administrative Enforcement, Review and Penalties.

12 A. The Division may take any or all of the following actions (Division action) with
13 respect to any violation of this ordinance or order issued hereunder, or of any pretreatment standard
14 or requirement, or of any permit condition or denial, or of any other local, state or federal law or
15 regulation affecting discharge:

16 (1) Deny a permit not in compliance with 22-9.4 application.

17 (2) issue an emergency cease and desist order for the suspension of any
18 activity by the user, whenever, in the opinion of the Director, such emergency suspension is
19 reasonably necessary to stop an actual or to prevent a threatened discharge which may potentially
20 create an imminent endangerment to the health or welfare of persons, or may potentially interfere
21 with the operation of the POTW or with the city's potential options for the beneficial reuse,
22 marketing, reclamation or disposal of the waste treatment by-products.

23 (a) The Director shall have hand-delivered or shall send the
24 notice of emergency suspension by certified mail to the user and/or the owner at the address set forth
25 on the permit application.

1 (b) The notice of emergency suspension shall set forth the nature
2 of the emergency, the reasons for the emergency suspension, and a request that the user and/or owner
3 show cause why the emergency suspension should not remain in effect. 1386719

4 (c) Any user notified of an emergency suspension of its
5 wastewater permit shall immediately stop or eliminate its discharge to the POTW. In the event of a
6 user's failure to immediately comply with the suspension order, the Division will take such steps as
7 deemed reasonable, including but not limited to immediate severance or blockage of the sewer
8 connection.

9 (3) issue an administrative compliance order setting forth the terms and
10 conditions of any action reasonably required by the Division for the user's continued discharge,
11 including permit modification;

12 (4) suspend the user's discharge permit;

13 (5) terminate the user's discharge permit;

14 (6) modify the user's discharge permit;

15 (7) terminate the user's service ;

16 (8) impose fines on the user; and/or

17 (9) seek criminal penalties and/or imprisonment.

18 B. Before initiating any Division action, except for those Division actions set forth
19 in 22-12.1A (1) or (7), the Division shall afford the user and/or owner the following rights to pre-
20 action administrative review:

21 (1) The Division shall issue written notice of the proposed action or
22 permit application denial, and shall have hand delivered or shall send the notice by certified mail to
23 the user and/or the owner at the address set forth on the permit application. If the notice is sent by
24 regular mail, it shall be deemed to be served three days after being placed in the mail to the address
25 shown on the user's application. Whether or not the user and/or owner appears as noticed,

1 immediate enforcement action may be pursued following the hearing date.

2 (2) The notice of proposed action shall set forth the proposed Division
3 action, the reasons for the proposed action, and a request that the user and/or owner show cause why
4 the proposed action should not be taken. 1386720

5 (3) The user and/or owner wishing to participate in the pre-action
6 administrative review shall file with the Director a written response to the notice of proposed action
7 within 10 days after mailing of the notice of proposed action. The response shall include the facts
8 supporting the user and/or owner's position that the proposed action should not be taken, and shall
9 also include any alternatives to the Division's proposed action.

10 (4) The owner and/or user may request a hearing on the proposed action
11 by filing a written request with the Director within 10 days of the date of mailing of the notice of
12 proposed action. If a hearing is requested, it shall be set within 20 days of receipt of the request, and
13 notice of the hearing shall be delivered to the user and/or owner at least 3 days before such hearing. If
14 the notice is sent by regular mail, it shall be deemed to be served three days after being placed in the
15 mail to the address shown on the user's application.

16 (5) If the owner/user does not timely request a hearing, the Director shall
17 make his/her determination based solely on the written response. If no written response is filed, the
18 user and/or owner shall be deemed to have abandoned all rights to administrative review.

19 (6) The user and/or owner shall bear the burden of proving by the
20 preponderance of the evidence that the proposed Division action should not be taken.

21 (7) If a hearing is timely requested, the Director shall conduct the hearing,
22 or may appoint a hearing officer to make recommendations to the Director upon which the Director's
23 written order will be based.

24 (8) The Director shall issue a written order within 10 days of the hearing,
25 or within 10 days of the written response if no hearing is requested, indicating the action which will

1 be taken. The Director's written order shall be considered final agency action for purposes of judicial
2 review, and shall remain in effect during any appellate review process unless otherwise ordered by
3 the reviewing court. If the user is not successful in obtaining a change in the proposed citation, the
4 Director may assess the costs of such hearing process to the user.

5 C. An owner and/or user may request administrative review of any emergency
6 suspension order through the following procedures:

7 (1) The user and/or owner wishing to seek administrative review shall file
8 with the Department a written response to the notice of emergency suspension within 10 days of the
9 date of mailing of the notice of emergency suspension. The response shall include the facts
10 supporting the user and/or owner's position that the emergency suspension should not remain in
11 effect, and shall also include all plans to rectify the emergency.

12 (2) The owner and/or user may request a hearing on the proposed action
13 by filing a written request with the Department within 10 days of the date of mailing of the notice of
14 proposed action. If a hearing is requested, it shall be set within 20 days of receipt of the request, and
15 notice of the hearing shall be delivered to the user and/or owner at least 3 days before such hearing.
16 If the notice is sent by regular mail, it shall be deemed to be served three days after being placed in
17 the mail to the address shown on the user's application.

18 (3) If the owner/user does not timely request a hearing, the Department
19 shall make its determination based solely on the written response. If no written response is filed, the
20 user and/or owner shall be deemed to have abandoned all rights to administrative review, and the
21 emergency suspension shall become permanent.

22 (4) The user and/or owner shall bear the burden of proving by the
23 preponderance of the evidence that the emergency suspension should not remain in effect.

24 (5) If a hearing is timely requested, the Department shall conduct the
25 hearing, or may appoint a hearing officer to make recommendations to the Department upon which

1 the Department's written order will be based.

2 (6) The Department shall issue a written order within 10 days of the
3 hearing, or within 10 days of the written response if no hearing is requested, indicating the action
4 which will be taken. The Department's written order shall be considered final agency action, and shall
5 remain in effect during any appellate review process, unless otherwise ordered by the reviewing court.
6 The Department may assess the costs of such hearing process if the user is not successful.

7 (7) The emergency suspension order shall remain in effect during the
8 pendency of the hearing, and during any appellate review process, unless otherwise ordered by the
9 reviewing court.

10 D. A user and/or owner may seek review by the Department of any condition or
11 term of a permit, modification of a permit, refusal to issue a permit or to modify a permit, or order
12 issued with respect to a permit, or of any fine assessed by the Director, through the following
13 administrative procedure:

14 (1) The user and/or owner shall file a petition for review with the
15 Department within 30 calendar days of the action sought to be reviewed.

16 (2) The petition shall contain a description of any Division action being
17 appealed, the facts supporting the appeal, and the proposed outcome.

18 (3) If the petition seeks review of any fine, evidence of full payment of
19 the fine shall accompany the petition for review.

20 (4) The owner and/or user may request a hearing on the proposed action
21 by filing a written request with the Department within 30 days of the date of mailing of the notice of
22 proposed action. If a hearing is requested, it shall be set within 60 days of receipt of the request, and
23 notice of the hearing shall be delivered to the user and/or owner at least 20 days before such hearing.
24 If the notice is sent by regular mail, it shall be deemed to be served three days after being placed in
25 the mail to the address shown on the user's application.

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(5) If the owner/user does not timely request a hearing, the Department shall make his/her determination based solely on the written petition.

(6) The user and/or owner shall bear the burden of proving by the preponderance of the evidence any ruling which it wants the Department to issue.

(7) If a hearing is timely requested, the Department shall conduct the hearing, or may appoint a hearing officer to make recommendations to the Department upon which the Department's written order will be based.

(8) The Department shall issue a written order within 30 days of the hearing, or within 30 days of the written response if no hearing is requested, indicating the action which will be taken. The Department's written order shall be considered final agency action, and shall remain in effect during any appellate review process, unless otherwise ordered by the reviewing court.

The Department may assess the costs of such hearing process if the user and/or owner is not successful. Any fine, or portion thereof, which is not sustained by the Department shall be refunded to the user and/or owner within 30 days of the Department's order, together with interest at the legal rate.

(9) The Division action sought to be reviewed shall remain in effect during the pendency of the hearing, and during any appellate review process, unless otherwise ordered by the reviewing court.

Section 89. A new section 22-12.2 is ordained to read:

22-12.2 [NEW MATERIAL] Judicial Enforcement and Penalties.

A. Whenever a user has violated or continues to violate the provisions of this ordinance or orders issued hereunder, the division, shall seek injunctive relief to the extent allowed by law.

B. Violation of any provision of this ordinance are subject to enforcement pursuant to Section 3-17-1 C (3) NMSA (1991 Cum. Supp.) and as otherwise allowed by law.

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Section 90. A new section ~~22-12.3~~ is ordained to read:

22-12.3 [NEW MATERIAL] Costs of Administrative Procedures.

A. The costs of transcribing any hearing, the charges of any hearing officer, the costs of any copying or clerical work required for the hearing, filing fees in an amount equal to that currently in effect in state courts, and the actual cost of city staff time required to attend the hearing or perform any additional work in connection with the hearing may be assessed against any person unsuccessful in a request for administrative review.

B. The Division shall adopt a schedule of charges and make same available to the public upon request.

Section 91. A new section 22-12.4 is ordained to read:

22-12.4 [NEW MATERIAL] Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the invalidation shall be deemed to apply solely to those specific provisions and the remaining provisions shall not be affected and shall continue in full force and effect.

Section 92. A new section 22-12.5 is ordained to read:

22-12.5 [NEW MATERIAL] Prohibited Disposal of Impermissible Waste. Disposal of impermissible waste from a commercial or industrial facility into the city's septage receiving station or at any manhole or other part of the public sanitary sewer shall constitute a violation of this ordinance. The division shall have the option to suspend or to terminate the permit for violation of this section, pursuant to Section 22-10 of this ordinance.

Section 93. A new section 22-12.6 is ordained to read:

22-12.6 [NEW MATERIAL] Effective Date. The effective date of the Wastewater Utility Ordinance is March 1, 1997.

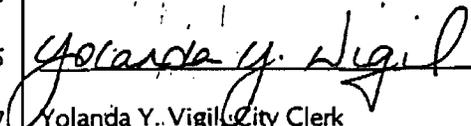
PASSED, APPROVED and ADOPTED this 12th day of February, 1997.

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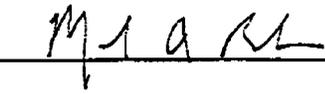

Debbie Jaramillo, Mayor

1386725

Attest:


Yolanda Y. Vigil, City Clerk

Approved as to Form:


MARK A. BASHAM, CITY ATTORNEY

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EXHIBIT A

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CITY OF SANTA FE

**SANITARY SEWER RATE, FEE
AND PENALTY SCHEDULE**

Amended:

February 12, 1997

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1. Introduction.

The intent of this schedule is to consolidate into one document all information regarding sanitary sewer rates, fees and penalties. In addition, when applicable, formulas and procedures for the application of formulas are described. The different rates, fees and penalties are presented in the same order as they appear in the code.

2. Noncompliance With Notice To Connect To Sewer. (Section 22-3.5)

2.1. Any amount expended by the city in accordance with Section 22-3.5 shall bear the interest rate of six per cent (6%) per year from the completion of the work until paid in full.

3. Septic (Septic Tank Waste) Discharge Fee. (Section 22-4.10)

The following charges shall apply for the acceptance and treatment of septage in accordance with .

3.1. Loads up to two thousand (2,000) gallons, shall be charged thirty-seven dollars and fifty cents (\$37.50) per load.

3.2. Loads larger than two thousand (2,000) gallons shall pay an additional thirty-seven dollars and fifty cents (\$37.50) for every incremental load of two thousand (2,000) gallons or a fraction thereof in excess of the first two thousand (2,000) gallons.

3.3. After-hours emergency discharges shall be subject to a fee of eighty one dollars (\$81.00) per load of up to two thousand (2,000) gallons.

3.4. Emergency discharges of loads larger than two thousand (2,000) gallons shall be assessed the eighty-one dollars (\$81) plus thirty-seven dollars and fifty cents (\$37.50) for every incremental load of two thousand (2,000) gallons or a fraction thereof in excess of two thousand (2,000).

4. Penalty for Violation to Discharges of Septic Tank and Chemical Toilet Waste (Section 22-4.12 and Section 22-4.14)

1386728

1 4.1. Fines shall not exceed one thousand dollars (\$1,000) per violation.

2 5. Private Sewer Construction Permit Fee. (Section 22-5.5)

3 5.1. Fees for private sewer construction permits shall be assessed in the same manner as
4 those fees established for sanitary sewer service connections.

5 6. Construction Inspection Fee. (Section 22-6.5)

6 6.1. For each inspection made by the building inspection division staff, the city shall assess
7 a fee of ten dollars (\$10.00) per service connection. Where subsequent reinspections are necessary,
8 due to unacceptable construction or non compliance with city codes, regulations and standards, the
9 city shall assess an additional inspection fee as described above.

10 7. Sanitary Sewer Service Connection Fees. (Section 22-6.6)

11 7.1. For each unattached or attached single family residence, including single family units
12 in a Planned Unit Development and in a condominium and for each unit in a trailer park, the base
13 connection fee shall be one hundred eighty dollars (\$180) for twenty (20) fixture unit equivalents
14 (FUE);

15 7.2. For each unattached or attached single family residence, including single family units
16 in a Planned Unit Development or in a condominium having in excess of 20 FUE, in addition to the
17 base fee, there shall be a fee of nine dollars (\$9) for each FUE in excess of 20.

18 7.3. For commercial, industrial, or institutional, or public service building and for multi-
19 family apartments, the connection fee shall be nine dollars (\$9) for each FUE.

20 7.4. For new connections or reconnections required as a result of substantial reconstruction
21 or remodeling wherein the total number of FUE shall increase beyond those existing before the
22 reconstruction, the fee shall be nine dollars (\$9) for each FUE in excess of the total FUE prior to the
23 reconstruction.

24 8. Sewer Service Charges. (Section 22-7.1)

25 8.1. Each residential and non-residential connection within the corporate limits for which

1 water consumption records are available shall be assessed a monthly fixed fee of two dollars and
2 thirty-nine cents (\$2.39) plus a monthly charge of one dollar and sixty-seven cents (\$1.67) per one
3 thousand (1,000) gallons of applicable base period water use. The minimum monthly fee shall equal
4 the monthly fixed charge plus the charge for a total of one thousand (1,000) gallons.

5 A. The base period for residential connection is the most recent December
6 through February period preceding the fiscal year of fee assessment.

7 B. A residential connection shall include single and multi-family residences,
8 mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S.
9 Government, the state of New Mexico, the city of Santa Fe, the county of Santa Fe and the Santa Fe
10 School Board of Education and state-accredited private elementary and secondary schools and
11 colleges.

12 C. The base period for a non-residential connection is the most recent April
13 through March period for which waster use records are available preceding the fiscal year of fee
14 assessment.

15 8.2. Each residential and non-residential connection within the city limits for which there
16 are no metered water use records for one or more of the months of the base period shall be assessed a
17 monthly charge equal to the fixed monthly fee plus the charge as set out in paragraph 8.1 of this
18 section for an assumed amount of monthly water use. The water use assumed for each month for
19 which water use data is lacking shall be five thousand three hundred (5,300) gallons for each
20 residential dwelling unit or for each twenty (20) fixture unit equivalents (FUE) or fraction thereof in a
21 structure other than a dwelling.

22 8.3. Each residential and non-residential connections whose source of domestic water is a
23 private well and for which well no metered water use records are available shall be assessed a
24 monthly charge equal to the fixed monthly fee plus the charge as set out in paragraph 8.1 of this
25 section for an assumed amount of monthly water use. The water use assumed for each month for

1 which water use data is lacking shall be six thousand seven hundred (6,700) gallons for each
2 residential dwelling unit or for each twenty (20) fixture unit equivalents (FUE) or fraction thereof in a
3 structure other than a dwelling.

4 8.4. Each lot having improvements which are dependent upon a septic wastewater system
5 and which lot is accessible to city sanitary sewer system shall be assessed a monthly fee of four dollars
6 and six cents (\$4.06) per lot.

7 8.5. Each lot having no improvements which are dependent upon a septic wastewater
8 system but which lots are accessible shall be assessed a monthly fee of four dollars and six cents
9 (\$4.06) per lot.

10 8.6. Each residential and non-residential connection of properties outside the corporate
11 boundaries of the city shall be assessed a monthly fixed fee of two dollars and thirty-nine cents (\$2.39)
12 plus a monthly charge of one dollar and eighty cents (\$1.80) per one thousand (1,000) gallons of
13 applicable water use as set out in paragraphs 8.1, 8.2 and 8.3 of this section.

14 8.7. Upon written application to the city, metered water use for non-residential
15 connections may be reduced by two gallons per month for each square foot of irrigated property.

16 8.9. In accordance with Gross Receipts and Compensating Tax Act, Section 7-9-4.1 NMSA
17 1978, a surcharge of up to 5 percent shall be imposed on each billing rendered in accordance with
18 this section.

19 **9. Penalty for Delinquency. (Section 22-7.2)**

20 9.1. A penalty of one and a half per cent per month shall be charged on all delinquent
21 assessments as defined in Section 22-7.2 SFCC 1987.

22 **10. Placement of Lien for Sewer Service. (Section 22-7.5)**

23 10.1. Liens established against a property shall bear interest at a rate of one per cent (1%)
24 per month.

25 10.2. Fees assessed for the release of lien shall not exceed one hundred dollars (\$100) in

1 addition to the total amount due the city.

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2 **11. Extra-Strength Surcharge. (Section 22-10.8)**

3 11.1. The Surcharge fee shall be equal to:

4 $0.9*(C-D)*F*cf*L$, for users whose discharge has been tested, and

5 $0.9*(M-D)*F*cf*L$, for users whose discharge has not been tested.

6 WHERE:

7 C - COD concentration in the user's discharge stream in milligrams per liter
8 (mg/l)

9 D - Average domestic sewage COD concentration, established at 550
10 milligrams per liter (mg/l).

11 F - Average water use in million gallons per month as shown in the
12 Sangre de Cristo Water Company records.

13 cf - 8.34. A factor to convert the units of milligrams to pounds per million
14 gallons.

15 L - The mass based cost of providing air to remove the COD in
16 wastewater. The cost has been established at \$.39/lb.

17 M - Mean COD concentration for the user's disposal as tested.

18 0.9 - Represents ninety percent (90%) of the water used through a water meter as
19 being discharged into the sanitary sewer.

20 OR:

21 Monthly water usage x 0.0013173 = Amount of monthly surcharge fee.

22 11.2. Resampling fees shall be charged to the user in the amount of sixty dollars (\$60) for
23 each occurrence.

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EXHIBIT B

1386732

CITY OF SANTA FE

SANITARY SEWER DESIGN CRITERIA

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INTRODUCTION.

This document presents the criteria, standards and regulations related to the design of public sanitary sewer systems for general development service. It does not cover the criteria necessary for design or major interceptor sewers, or treatment facilities. The material is directed to the competent design professional and is not intended to be a detailed design handbook. Criteria and standards presented are those determined to be the minimum acceptable values necessary to result in system designs having satisfactory functional characteristics, durability and operational suitability. It is expected that the designer will strive for the best design to suit the circumstances involved, and that designs will reflect sound professional judgment at all times.

Section 1. GOVERNING REGULATIONS

Ordinances and policies related to the design and operation of sanitary sewer systems include the following:

A. LAND DEVELOPMENT ORDINANCES (Section 14 SFCC 1987)

This ordinance primarily requires that sewer service be available to proposed developments before issuance of building permits. There are no specific design criteria included in this ordinance.

B. SEWER REGULATIONS (Section 22 SFCC 1987)

This ordinance contains uniform requirements for the users of the city of Santa Fe wastewater collection and treatment system.

C. AREA-WIDE WASTEWATER COLLECTION AND TREATMENT FACILITIES PLAN

This plan, adopted by the city governing body and approved by the U.S. Environmental Protection Agency, show the sanitary sewer system boundaries, expansion plans, future improvements and criteria for the design of the treatment plant.

D. SANITARY SEWER COLLECTION MASTER PLAN

Two phases of this plan have been developed by the city.

1 **Section 2. ENGINEERING DESIGN CRITERIA FOR GRAVITY SEWER LINES**

2 Unless otherwise authorized by the city's Wastewater Management Division, for a specific
 3 project, specifications for pipe and other construction materials will be as required in the current New
 4 Mexico Standard Specifications for Public Works Construction (Specifications).

5 **A. DESIGN CAPACITY CRITERIA**

6 (1) Off-site flows shall be determined by the Wastewater Management Division
 7 (WMD).

8 (2) In areas with a mix of residential, commercial, industrial, etc., roughly
 9 representative of the city as a whole, the population of the contributing area shall be determined and
 10 the design flows calculated as follows:

11 Q^a - Average Flow = $110 * \text{Population}/10^6$, in MGD

12 Q_p - Peak Flow = $2.5 * Q^a (.9)$, in MGD

13 Q_d - Design Flow = $1.2 * Q_p$ in MGD

14 (for cfs multiply MGD by 1.547)

15 (3) Population loadings are assumed to be:

16 2.5 persons for apartments, townhouses and mobile homes

17 DU

18 3.3 persons for R-1 single-family homes

19 DU

20 Where DU = Dwelling Unit

21 (4) In primarily non-residential areas, design flows are determined by other
 22 methods as may be appropriate, upon approval by the WMD.

23 (5) Design shall be for full pipe flow at the design flow.

24 (6) Manning's Formula shall be used for determination of pipe flow velocities
 25 and capacities using a value for Manning's $n = 0.013$, except for PVC & HDPE pipes for which

1 designer shall use 0.009.

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2 (a) Peak velocity = Velocity at peak flow conditions

3 (b) Average velocity = Velocity at average flow conditions

4 **B. MANHOLE CRITERIA**

5 (1) Manholes must generally be located on the centerline of street right-of-way
6 or of street width if the street is not concentric with the right-of-way. Manholes in curved streets may
7 be located as much as 5' off from centerline of street or right-of-way; however, required clearances
8 from other utilities must be maintained. The offset of such manholes is to be measured from center of
9 manhole barrel to the centerline of the street or right-of-way.

10 (2) Standard minimum manhole depth is 6.0', measured from rim to invert.

11 (3) The required inside diameter for a manhole is determined as follows:

12 (a) Minimum inside diameter is 4 feet.

13 (b) A minimum 9" wide shelf must be provided on each side of each
14 main line within the manhole.

15 (c) Where the main flow changes direction at a manhole, the manhole
16 must be large enough so that the centerline radius of curvature of the flow invert will be larger than
17 the pipe diameter.

18 **MINIMUM MANHOLE DIAMETERS REQUIRED FOR DIRECTION CHANGES**

19 Degrees of Direction Change

20 Pipe ID 0° 5° 45° 50° 75° 80° 85° 90°

21	21"	4'	4'	4'	4'	4'	4'	4'	4'
22	24"	4'	4'	4'	4'	4'	4'	4'	6'
23	27"	4'	4'	4'	4'	4'	4'	6'	6'
24	30"	4'	4'	4'	4'	4'	6'	6'	6'
25	36"	6'	6'	6'	6'	[—NOT PERMITTED—]			

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42" 6' 6' 6' [---NOT PERMITTED---

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(4) Flow shall not be permitted to change horizontal flow direction by more than 90° in a manhole. Under the following conditions, the maximum horizontal change in flow direction permitted shall be 50°, although special design considerations will be made where the situation warrants.

- (a) All lines larger than 36".
- (b) Any continuous lines with a design flow greater than 3 MGD and a design velocity of 5 fps or greater.
- (c) Any junction of two flows, each with design flow greater than 3 MGD, where one line has a design pipe velocity of 5 fps or greater.

(5) Invert elevations will be called out for each inlet and outlet at a manhole.

(6) Drops across manholes will be provided as follows:

- (a) Where the main flow does not change direction at the manhole, the design will provide:
 - (i) A slope across the manhole at least equal to the average of the slopes of the incoming and outgoing lines.
 - (ii) The minimum drop will be 0.05 feet for lines 36 inches in diameter and smaller.
- (b) Where the main flow changes direction at the manhole, the design will maintain the average of the slopes of the incoming and outgoing lines and compensate for the loss of velocity head caused by the turn.
 - (i) The slope component will be equal to the average of the slopes of the incoming and outgoing lines times the diameter of the manhole.
 - (ii) The velocity head component will be determined by the following formula:

1 $h_b = K_B (v)^2 / 2g$

2 where:

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3 h_b = required drop to compensate for loss of velocity head (feet).

4 K_B = bend coefficient, use 0.4 for 90° turn, 0.32 for 45° turn and
5 linear proportioning for other deflection angles (dimensionless).

6 v = design velocity of incoming line based on design flow, ft/sec.

7 g = 32 ft/sec².

8 (iii) The total drop required through the manhole will be the sum
9 of the slope component and velocity head component.

10 (iv) The minimum drop through a manhole will be 0.10 feet.

11 (c) Where flows converge at a manhole, the inverts should be
12 designed to produce a smooth water surface at design flow with no backwater conditions in any of the
13 incoming lines. Excessive drops which cause turbulence are to be avoided.

14 (d) The use of drop connections to manholes (drop manholes) will
15 require WWMD approval and shall conform to Standard Details.

16 (7) The maximum distance between manholes allowed is:

17 (a) 8"-21" mains - 450'

18 (b) 24" & larger - 500' for average velocities 3 fps or less

19 (c) 24" & larger - 800' maximum, for average velocities greater than 3

20 fps.

21 **C. LINE CRITERIA**

22 (1) Sanitary sewer materials must comply with the requirements set forth in the
23 Standard Specifications shown on Standard Details.

24 (2) Minimum line size allowed: 8" inside diameter.

25 (3) Following are minimum slopes considered necessary in noncurvilinear

1 lines to provide minimum allowable velocities. GREATER SLOPES THAN MINIMUM ARE
 2 DESIRABLE AND ARE TO BE PROVIDED WHERE POSSIBLE. Maximum slopes should never result
 3 in super critical flow.

4	SEWER I.D.	MINIMUM SLOPE (ft/ft)
5	8"	0.0060*
6	10"	0.0028
7	12"	0.0022
8	15"	0.0015
9	18"	0.0012
10	21"	0.0010
11	24"	0.0008
12	27"	0.00068
13	30"	0.00060
14	36"	0.00048

15 * A minimum slope of 0.0040 ft/ft is acceptable for an 8" line if the design loading is at least
 16 200 R-1 DU's or 275 R-T, R-2 or mobile home dwelling units. This slope is also acceptable when the
 17 line material is PVC.

18 (4) Sections of line that are flat relative to the upstream line shall be avoided.
 19 As much as possible, continuous flow velocity and capacity will be provided. The energy gradient
 20 should slope generally parallel to the slope of the invert with no abrupt changes nor slopes opposite to
 21 the direction of flow.

22 (5) Line depth should be sufficient to provide gravity service to property
 23 contiguous to the line. Generally, house services shall be a minimum of 4' below the top of curb at
 24 the property line as measured from the top of curb to the invert of the service line.

25 (6) The main lines are to be located within public right-of-way except as noted

1 in sub-section 7, following, and are to be aligned in accordance with the Primary Utility Locations, see
2 Standard Drawings. Where the Primary Utility Locations do not apply, the following criteria shall
3 apply:

4 (a) The New Mexico Environmental Department policy on the
5 proximity of water and sewer lines:

6 Whenever possible, it is desirable to lay parallel water
7 and sewer lines at least 10 feet apart horizontally, and
8 the water line should be a higher elevation than the
9 sewer. If this is not possible, separate trenches will be
10 required in all cases (this shall be effective even
11 though one line has been installed prior to the other),
12 and the water line shall be at least 2 feet above the
13 sewer. When water and sewer lines cross each other,
14 the water line shall be at least 3 feet above the sewer;
15 otherwise the sewer shall be of ductile iron pipe." A
16 preferred alternative is encasement in concrete as
17 shown in the Standard Details for 10' on each side of
18 the water line. If ductile iron pipe is used it must be
19 run from manhole to manhole.

20 (b) Main lines must be located so that they can be maintained without
21 disturbing any sidewalk, curb, gutter or any other utility. The required trench must be totally within
22 the paved roadway.

23 (c) Written approval of the city's Wastewater Management Division
24 (WMD) must be obtained for any deviations from the primary utility locations.

25 (7) Sanitary sewer lines may be located outside public right-of-way only under

1 the following conditions:

2 (a) Prior written approval is given by the WMD director or his/her
3 designee.

4 (b) The main line must be located as follows:

5 (i) In a paved, permanent access utility easement, or

6 (ii) In a utility easement within a planned green/open space with
7 access from a street suitable for sewer line maintenance equipment.

8 (iii) If (1) and/or (2) above are impossible due to prior plating, the
9 situation will be handled as a special case to be approved by the WWMD.

10 (c) In a permanent utility easement granted for exclusive use of water
11 and sanitary sewer. It must be possible to excavate any buried sanitary sewer with 1:1 side slopes
12 from the bottom of the pipe, without disturbing any sidewalk, curb and gutter, or any other utility.
13 The required trench must be contained within the paved roadway and/or the exclusive easement. A
14 minimum width easement of 20' is required for lines up to 10 feet deep. Lines deeper than 10 feet
15 shall be provided with easements of a width in accordance to the following schedule:

16	DEPTH (H)	EASEMENT WIDTH (FT)
17	10-15	25
18	16-20	35
19	> 25	100

20 (d) Compliance with the New Mexico Environmental Department
21 policy on the proximity of water and sewer lines must be achieved.

22 (e) In private streets or rights of way, Primary Utility Locations shall
23 apply.

24 D. CURVILINEAR SEWERS

25 Curvilinear sewers are permitted in accordance with the following criteria:

1 **A. GENERAL CONDITIONS**

2 (1) Systems referred to in these design standards entail high and low pressure
3 sewer installations to serve public or privately financed developments. All pipes, fittings, pumps,
4 pump controls, and other appurtenant components of pressure sanitary sewers shall be designed by
5 a professional engineer registered in New Mexico, with experience in the design of pressure
6 sanitary sewer systems.

7 (2) Pipe design, installation and testing shall be made in accordance with
8 AWWA Standards applicable to water lines, applicable provisions of the Santa Fe City Code, and
9 the New Mexico Standard Specifications for Public Works Construction.

10 (3) Pressure sewer systems may only be used when, in the opinion of the WMD
11 engineer, topographic or other conditions may not allow for the operation of conventional gravity
12 flow sewers, or when installation of such sewers may disturb existing drainage ways and/or would
13 increase the erosion potential in existing arroyos.

14 (4) Prior to its design, the concept of using a pressure system must be accepted
15 in writing by the WMD engineer in the form of a sanitary sewer availability statement. For the
16 WMD to make a determination, the proponent of a pressure sewer shall submit the relevant
17 information regarding the site's topography.

18 (5) The WMD shall maintain and update, not less frequently than once every
19 two years, all standard detail drawings to be used by engineers in the design of pressure systems.

20 (6) Design documents shall include all relevant system information as required
21 the WMD for its review.

22 **B. HIGH PRESSURE SEWERS**

23 (1) These systems generally include a lift station(s), a pressurized discharge line
24 (forcemain), an emergency power supply source, and all appurtenant controls and instrumentation,
25 installed for sanitary sewage to be discharged into a gravity flow segment of the city's system.

1 (2) The design of lift stations, forcemains and controls shall follow the
2 guidelines presented in the Manual of Practice (MOP) No. FD-4, Facilities Development, of the
3 Water Environment Federation. 1386744

4 (3) Complete construction documents for this type of facility, shall include a
5 design memorandum, specifications, and drawings for pumps, piping, instrumentation, alarms and
6 telemetry. All parts shall be, in the opinion of the WMD, fully compatible with the city's existing
7 system.

8 **C. LOW PRESSURE SEWERS**

9 (1) Low pressure sewers may constitute a very viable alternative to gravity flow
10 collection lines. These systems will generally include individual on-site grinder pump stations
11 discharging a finely ground slurry into small diameter, low pressure (60 psig or less) mains located
12 within appropriate public utility easements or rights of way. Under certain conditions, it may also
13 be desirable to use grinder pump stations which discharge into gravity flow sewer lines.

14 (2) Complete construction documents shall include the design memorandum,
15 specifications and drawings for the entire system or network, from the grinder pump to the ultimate
16 point of discharge into the gravity sewer. All parts shall be, in the opinion of the WMD, compatible
17 with the city's existing system.

18 (3) Pump stations shall be designed as a package, complete with wet well, and
19 appurtenant instrumentation and controls, fully compatible with the city's existing systems. Each
20 station shall serve no more than one individual legal lot.

21 (4) Individual grinder pump stations for residential service shall be designed to
22 perform their grinding and pumping functions using no more than one (1) horsepower. The electric
23 power for the installation shall be derived from the same source that serves the building and not a
24 separate one. A grinding pump station shall serve no more than one residential lot.

25 (5) Placement of the grinder pump station shall be outdoors, in a location of

1 (1) The pipe length to be used, deflection angle, and radius of curvature must
2 be stated on the plans. 1386741

3 (2) The maximum design deflection angle shall be 2/3 of pipe manufacturer's
4 recommended maximum.

5 (3) The minimum radius of curvature is 300' based on 5.5 foot pipe lengths. If
6 shorter lengths are available, small radii as appropriate shall be considered.

7 (4) The maximum distance between manholes shall be 400'.

8 (5) The slope of the curvilinear of the sewer must be at least 5% greater than
9 the slope upstream straight line sewer. Additionally, the minimum slope criteria for curvilinear sewers
10 is shown below:

SEWER I.D.	SLOPE
8"	0.0066
10"	0.0030
12"	0.0024
15"	0.0018

16 (6) Generally, concrete encasement according to the Specifications and
17 Standards Details is recommended where necessary due to proximity of water lines. If ductile iron
18 pipe is utilized in lieu of concrete encasement, it shall be run from manhole to manhole.

19 (7) Gravity Sewer - Minimum radius for Curvature for PVC SDR-35 pipe

		Min. Radius	Max. Offset
<u>Pipe Diameter</u>	<u>Laying Length</u>	<u>of Curvature</u>	<u>per Length</u>
8"	13'-0'	300 ft.	3"
8"	20'-0"	300 ft.	8"
10"	13'-0"	375 ft.	2 1/2"
10"	20'-0"	375 ft.	6 1/2"

1	12"	13'-0"	450 ft.	2"	1386742
2	12"	20'-0"	450 ft.	6"	

Diameters greater than 12", shall be designed as approved by WWMD.

E. SERVICE CONNECTIONS (Private collection systems and individual service connections).

(1) A minimum four inch (4") service connections must be made to the main line except at the end of cul-de-sacs where connection to a manhole shall be permitted in the manner shown in the Standard Specifications and Standards Details.

(2) Six inch (6") service connections shall be permitted only where a 6" tee in the main exists.

(3) Four inch (4") and six inch (6") mechanical taps are permitted to tappable 10" main lines. Mechanical taps are required where tees are not available in existing lines. Mechanical taps shall conform to the Standard Details.

(4) Six inch (6") service connections to 8" mains and all service connections 8" and larger shall be made by means of a manhole when there are no existing tees of the required size in the main. Insertion of a full joint of pipe containing a factory made tee will be permitted, if practical, for purposes of connecting a 6" service to an existing 8" main. Approved coupling devices shall be required. Service connections to a manhole are to be made with the invert of the service at the elevation of the top of the main line. No inside-manhole piping shall be permitted.

(5) Service connection shall not be made to sewer interceptors (lines 12 inches in diameter or larger) or lines with peak flows greater than 3 MGD, regardless of size.

(6) All service connections shall be made such that the service is perpendicular or radial to the sewer main.

(7) All service connections shall have a minimum slope of 2/4" per foot toward the main within the public right-of-way.

Section 3. ENGINEERING DESIGN STANDARDS FOR PRESSURE SEWERS

1 easy access for maintenance personnel. Wet well shall be provided with integral accessways.

2 (6) Low pressure collection system shall be designed as branched networks
3 without loops, and as few as possible abrupt directional changes. 1386745

4 (7) Pipes and appurtenant fittings shall be designed to be installed and tested in
5 accordance with AWWA Standards applicable to water systems.

6 (8) Design shall provide to protect the city system from potential odor problems
7 associated with low pressure sewer discharges.

8 **D. EQUIPMENT MANUFACTURER LIST**

9 (1) The city shall maintain an up-to-date list of pre-qualified manufacturers for
10 lift and grinder pump stations, as well as electrical and instrumentation equipment.

11 (2) This list shall be updated not less often than once every two years. Proposed
12 revisions to the list shall be submitted by a professional engineer for review by the WMD.
13 Proposals shall include the rationale for the recommended revision(s).

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