

## Region 6 - Enforcement & Compliance Assurance Division

### INSPECTION REPORT

|                                        |                                           |                           |
|----------------------------------------|-------------------------------------------|---------------------------|
| Inspection Date(s):                    | 02/26/2020                                |                           |
| Media Program:                         | Water                                     |                           |
| Regulatory Program(s)                  | CWA                                       |                           |
| Company Name:                          | <b>City of Roswell</b>                    |                           |
| Facility Name:                         | <b>Roswell Wastewater Treatment Plant</b> |                           |
| Facility Physical Location:            | 2306 E. College Road                      |                           |
| (city, state, zip code)                | Roswell, New Mexico                       |                           |
| Mailing address:                       | Post Office Drawer 1838                   |                           |
| (city, state, zip code)                | Roswell, New Mexico 88202-1838            |                           |
| County/Parish:                         | Chavez                                    |                           |
| Facility Phone Number                  | 575-622-1449                              |                           |
| Facility Contact:                      | Daniel Mendiola                           | Wastewater Superintendent |
|                                        | d.mendiola@roswell-nm.gov                 |                           |
| FRS Number:                            | 110039926925                              |                           |
| Identification/Permit Number:          | NM0020311                                 |                           |
| Media Identifier Number:               | N/A                                       |                           |
| NAICS:                                 | 221320                                    |                           |
| SIC:                                   | 4952                                      |                           |
| Personnel participating in inspection: |                                           |                           |
| Daniel Mendiola                        | City of Roswell                           | Wastewater Superintendent |
| Andrew Valadez                         | City of Roswell                           | Wastewater Supervisor     |
| David Esparza                          | USEPA                                     | Environmental Engineer    |
| EPA Lead Inspector<br>Signature/Date   |                                           |                           |
|                                        | David Esparza                             | Date                      |
| Supervisor<br>Signature/Date           |                                           |                           |
|                                        | Carol Peters                              | Date                      |

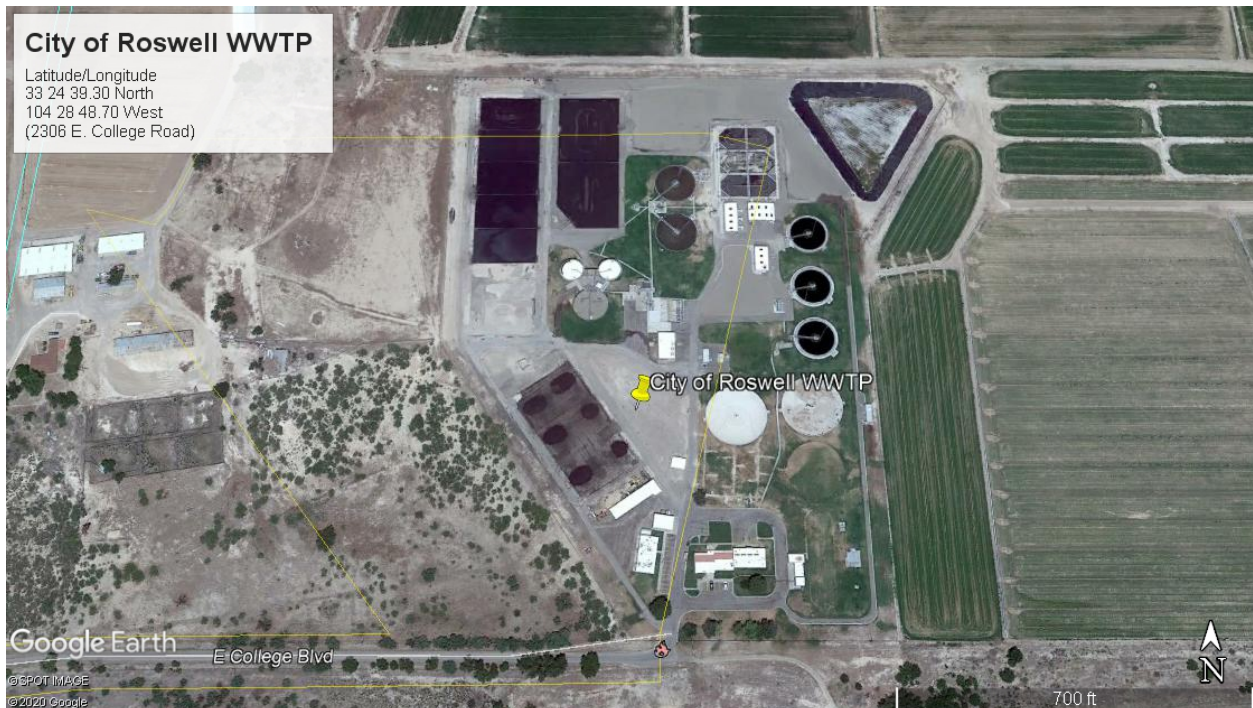
## **Section I – INTRODUCTION**

### **PURPOSE OF THE INSPECTION**

EPA Region 6 inspectors David Esparza, PE, arrived at the City of Roswell Wastewater Treatment Plant (WWTP) (hereinafter referred to as WWTP) at approximately 8:30 AM on February 26, 2020 for an unannounced inspection. I met with Mr. Daniel Mendiola, Wastewater Superintendent, presented my credentials and informed him that this was an EPA inspection to determine the WWTP's compliance under the Clean Water Act (CWA). We were later joined by Mr. Andrew Valadez, Wastewater Supervisor. This compliance evaluation inspection (CEI) was conducted under the authority of the National Pollutant Discharge Elimination System (NPDES) permit program, in accordance with the CWA. The generation of this report is based on information supplied by Roswell representatives, observations made by the United States Environmental Protection Agency (US EPA) inspector, and records and reports maintained by the permittee (Roswell), and the US EPA. Before leaving the facility, an exit briefing was held at approximately 11:00 AM with Mr. Mendiola and Valadez to explain areas of concern noted at the time of the inspection and request representative photograph copies of the WWTPs records.

### **FACILITY DESCRIPTION**

The WWTP is a major discharger with a design flow of 7.0 million gallons per day (MGD) and average daily flow of approximately 3.4 MGD. The facility is located at 2306 E. College Road, Roswell, Chavez County, New Mexico (depicted in Aerial Image #1 below). The WWTP facility serves a population of approximately 48,400 (2019 US Census) residents. The WWTP is operated by staff within the Public Works Department and consists of 9 full-time equivalent (FTE) positions, exclusive of administrative support during the hours of 7:00 AM to 3:30 PM seven (7) days during the regular work week and 7:00 AM to 9:00 AM on the weekends. On-call staff is available on an as needed basis.



**Aerial Image #1:** Overall view of the City of Roswell’s Wastewater Treatment Plant. Aerial from Google Earth maps.

A Supervisory Control and Data Acquisition (SCADA) system provides around the clock monitoring of WWTP operations and is manned during normal working hours with alarm notifications in the off hours. After entering the WWTP facility via three (3) lift stations raw influent traverses through a pump station, thence through a bar screen and a grit chamber. It then enters one of two primary clarifiers, into a splitter box and then flows into aeration basins with fine bubble diffusers. It then flows into the final clarifiers. The facility staff monitors incoming registered septage haulers for pH and grease to determine compatibility with the WWTP for acceptance or rejection.

Following the belt press, the sludge is placed in drying beds (underdrains return excess liquid to the headworks) for composting into Class A sludge for land application and/or local agricultural purposes.

The WWTP discharged approximately 2-weeks in November 2019, the entire month of December 2019 and the entire month of January 2020. The WWTP estimates an approximate 260M gallons (approximately 3.4MGD; 260M/76 days) were discharged during that period. The WWTP discharges to the Rio Hondo typically 1-3 months out of the year (December to March). The remainder of the year, the treated effluent is used to irrigate approximately 1,100-acres of cropland and 200-acres of golf course turf. Additionally, the WWTP uses the water to irrigate the facility grounds, wash water on the fine screen bar screen and the gravity belt thickener. It should be noted the WWTP does not maintain a retention pond for re-use water. All disinfected water not used for facility purposes is pumped directly to the area farmers.

If there is a discharge to Outfalls 001 and/or 002, samples are collected via an automatic sampler located after two (2) banks of ultraviolet (UV) disinfection. Routine weekly maintenance is performed on the UV system to ensure the proper disinfection of the effluent.

Currently the established Industrial Users (IU) includes Dean Baldwin Paint LLC., Christmas by Krebs and American Linen. The City of Roswell and the above identified entities entered into individual wastewater discharge agreements for the disposal of variable treated effluent amounts ranging from 1,500 gpd (gallons per day) to 44,000 gpd into the City's WWTP.

The WWTP maintains a backup diesel generator for power that is exercised weekly, typically every Friday.

## **Section II – OBSERVATIONS**

I observed the following and the following information was provided and/or stated:

- Funds (monies) for the construction of a dewatering building are in place and will result in the removal of several drying beds.
- Asphalt bed lining in the first two (2) drying beds is in the process of being removed and replaced with concrete. The beginning of project (BOP) was February 15<sup>th</sup> and the estimated end of project (EOP) is scheduled for February 28. The relining of these 2 drying beds will not compromise the existing under drains.
- Additional worker safety tie-off locations, heavy duty enclosure grating and an additional automatic sampler (for back-up) have been installed.
- Operations and maintenance (O & M) currently include or has been completed, removal of previous screw pumps, cleaning diffusers and currently the #1 oxidation ditch or “racetrack” was coming offline for cleaning.
- WWTP personnel mentioned the possibility of a new Leprino Foods (cheese) factory opening in the Roswell area. However, current plans include receiving domestic wastewater only no process wastewater.
- WWTP personnel also mentioned a purchase order (PO) has been issued regarding proposals with respect to a WWTP dissolved oxygen (DO) evaluation.
- The WWTP on-site laboratory maintains and updates its written SOP's as necessary, inclusive of appropriate annual equipment certifications and/or calibrations.
- The WWTP had secure perimeter fencing; thus, limiting access. The overall WWTP's operations and maintenance (O&M), and general facility housekeeping appeared to be in good order.

### **Section III – AREAS OF CONCERN**

I observed no areas of concern at the time of the inspection

### **Section IV – FOLLOW UP**

The following information was received by EPA on March 2, 2020, after exiting the Facility on February 26, 2020:

- Electronic copy of the current City of Roswell Wastewater Ordinance dated October 11, 2019.

### **Section V – LIST OF APPENDICES**

Appendix 1 – Photo Log – 3 photos taken 2/26/2020

Appendix 2 – City of Roswell Wastewater Ordinance dated October 11, 2019

## Appendix 1

### Photograph Log

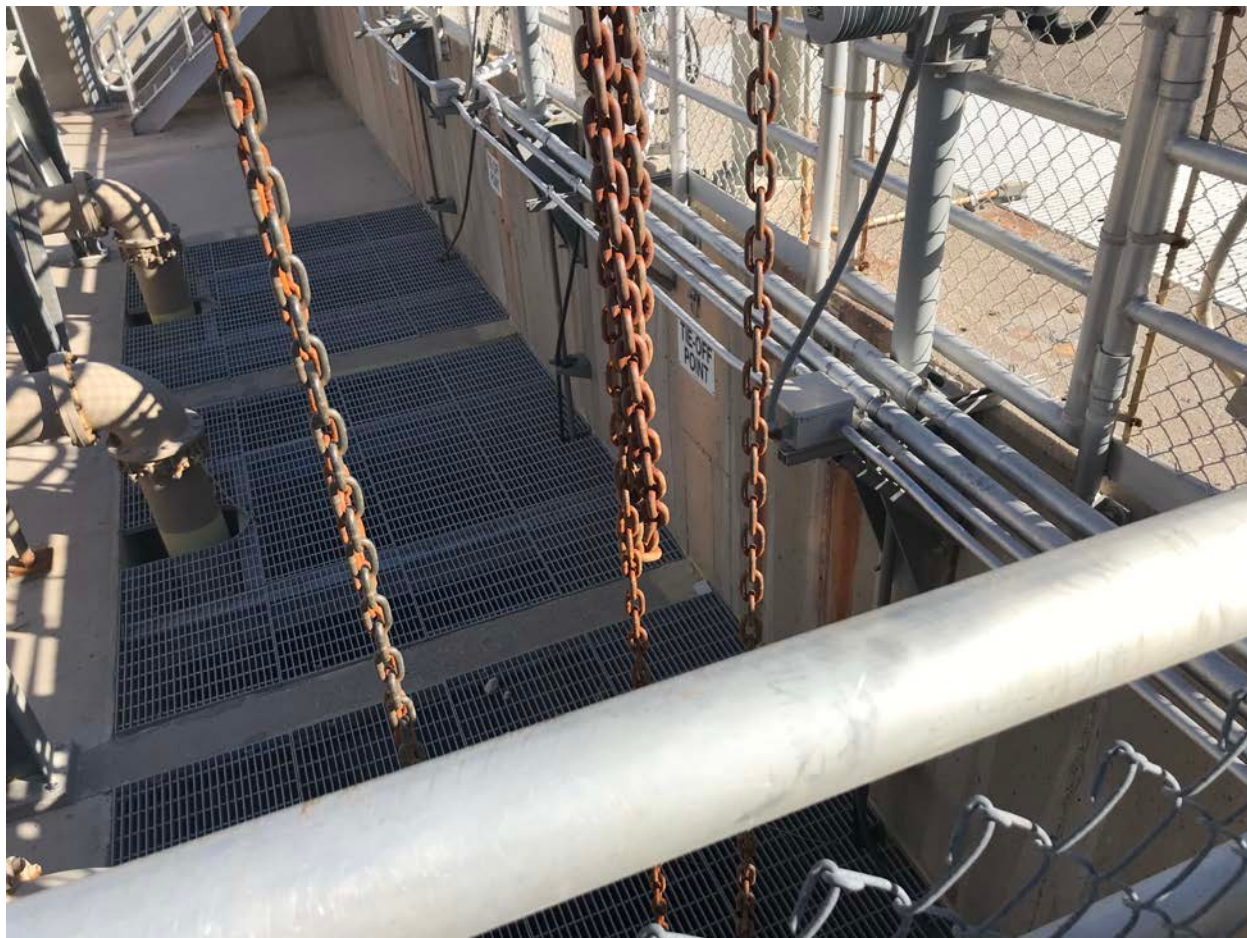


## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

### Photograph Log

Photo No. 1

|                                              |                       |                   |
|----------------------------------------------|-----------------------|-------------------|
| Location: Roswell Wastewater Treatment Plant |                       |                   |
| City: Roswell                                | County/Parish: Chavez | State: New Mexico |



IPS station. This is a picture of the newly installed heavy-duty enclosure grating and additional worker safety tie-off locations at various locations throughout the WWTP. February 26, 2020 8:56 AM (DSCN174) (Photographed by D Esparza).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

|                                              |                       |                   |
|----------------------------------------------|-----------------------|-------------------|
| Location: Roswell Wastewater Treatment Plant |                       |                   |
| City: Roswell                                | County/Parish: Chavez | State: New Mexico |



View of the WWTP's bar screen and grit chamber. The staged dumpster below the bar screen and grit chamber is used for accumulated debris and is transported to a local landfill for disposal. February 26, 2020 8:55 AM (DSCN173) (Photographed by D Esparza).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

|                                              |                       |                   |
|----------------------------------------------|-----------------------|-------------------|
| Location: Roswell Wastewater Treatment Plant |                       |                   |
| City: Roswell                                | County/Parish: Chavez | State: New Mexico |



Partial interior view of the WWTP's #1 oxidation ditch or "racetrack" coming offline for cleaning and maintenance. February 26, 2020 9:00 AM (DSCN176) (Photographed by D Esparza).

City of Roswell/Roswell WWTP  
Permit No. NM0020311  
Inspection Date 02/26/2020

## Appendix 2

### City of Roswell Wastewater Ordinance

## ARTICLE III. - SEWERS AND SEWAGE DISPOSAL

### DIVISION 1. - GENERALLY

#### Sec. 26-31. - Connections required.

Every landowner, or person occupying any building situated on any lot which is located within 300 feet of the sewer mains or laterals in the city shall connect all fixtures discharging waste water to the city's sewage disposal system. Work shall be commenced on the connection within 30 days after service of such notice. Such notice shall state the work to be done and contain a description of the property and shall be served personally on the owner, agent or occupant of the premises. If such owner or agent is not a resident of the city such notice shall be sent him through the United States post office by registered mail, addressed to his last known address, and such notice shall be also posted on the property.

(Code 1984 § 31-41; Ord. No. 1320, 4-1999)

**State Law reference**— Authority to require connection, NMSA 1978, § 3-26-3; municipal authority to establish, maintain, etc., sewer system, NMSA §§ 3-26-1, 3-26-2.

**Cross reference**— Mechanical and plumbing code, § 6-26 et seq.

#### Sec. 26-32. - Septic tanks.

Every landowner or person occupying any property which is not required by section 26-31 to connect his premises to the city's sewage disposal system shall connect his premises to a private sewage disposal system approved by the New Mexico Environment Department. Construction to such a system must be approved by the superintendent. The superintendent shall grant such approval if the system complies with all applicable laws, ordinances and regulations.

(Code 1984 § 31-42; Ord. No. 1320, 4-1999)

#### Sec. 26-33. - Sewer connections or septic tank installation by city at owner's expense.

If a person fails to make a connection to the city's sewage disposal system or to an approved private sewage disposal system as required in this article, the city shall have the right to make the required connection. The cost shall be assessed against the owner or occupant of the premises and shall be a first and prior lien on the premises, subject only to the lien of general, state and county taxes. Such amount so expended shall bear interest at the rate of 6% per annum from the completion of the work until paid. The lien shall not be enforced within a period of one year from the time of completing the work. At the expiration of such period, such lien may be foreclosed by proper suit in the district court of the county and a reasonable attorney fee may be charged as costs against the defendants in the foreclosure suit.

(Code 1984 § 31-43)

#### Sec. 26-34. - Flushing arrangements for sewer inlets.

No person shall make any fixtures in the city's sewers until code enforcement is satisfied that each inlet is provided with proper flushing arrangements.

(Code 1984 § 31-44; Ord. No. 1320, 4-1999)

Sec. 26-35. - Right of city to disconnect premises.

The governing body hereby reserves the right to discontinue any connection with the municipal sewage disposal system which is, or may become, a public nuisance.

(Code 1984 § 31-45)

Sec. 26-36. - Tampering, etc., with connections.

It shall be unlawful for any person to willfully tamper with the connections to the main laterals of the sewer or water systems, or to shut off any connection without proper authority, or to reopen, without proper authority, any connection which has been disconnected or shut off by proper authority.

(Code 1984 § 31-46)

Sec. 26-37. - Increasing number of openings or inlets in buildings previously connected to system.

Any person desiring to increase the number of openings or inlets in any building previously connected with the sewer system by proper sublaterals for connections of the sewer system, when such additional inlets are completed shall so certify to code enforcement, who shall, upon his approval of the work, issue his certificate of final approval thereof, which shall designate the number and kinds of such additional openings and the places where they are put in.

(Code 1984 § 31-47; Ord. No. 1320, 4-1999)

Sec. 26-38. - Throwing rubbish, etc., into sewers, drains, etc.

No person shall deposit or throw into any sewer, manhole, flush tank or drain in the city any straw, hay, shavings, metal tinnings, scraps, ashes, rags, sticks, bricks, stones, garbage or any other kind or character of rubbish or substance which shall cause or may be likely to cause the sewer or drain to be choked or stopped. Any such person shall be liable for the actual cost, as submitted by the superintendent sewer department, for the cleaning out and repairing of any such sewer.

(Code 1984 § 31-48; Ord. No. 1320, 4-1999)

Sec. 26-39. - Swimming pool water.

No person shall drain his swimming pool into the street or storm drain. Swimming pool water shall be drained into the sewer system.

(Ord. No. 1320, 4-1999)

Secs. 26-40—26-45. - Reserved.

## DIVISION 2. - CONNECTION PERMIT

Sec. 26-46. - Required.

No person shall make any connection to the city's sewage disposal system without obtaining a permit from code enforcement.

(Code 1984 § 31-61; Ord. No. 1320, 4-1999)

Sec. 26-47. - Application and application fee.

A person required to obtain a permit by the provisions of this division shall file a written application with code enforcement, giving the name of the party desiring the connection, the number of the lot and block upon which the building to which it is proposed to connect is situated, the size of the sublateral desired or proposed for the connection with the main uses in each of such buildings. The applicant shall accompany such application with a fee of \$10.00.

(Code 1984 § 31-62; Ord. No. 1320, 4-1999)

Sec. 26-48. - Issuance.

Upon the filing of the application and fee required in section 26-47, it shall be the duty of the superintendent of the water and sewer department to proceed forthwith to the place of the proposed connection and designate a point or "Y" and establish a grade for the connection. The point of connection and grade shall be observed by the party constructing such sublateral, and if the superintendent of the water and sewer department approves of the proposed plan and the matter proposed to be discharged through such sublateral, he shall issue to such applicant a permit to construct a sublateral, which shall state the grade established by him and the point of the "Y" at which the connection shall be made. The permit shall state the number of inlets allowed and the number of the lot and block upon which the building is situated containing such inlets or openings and the kind of such openings or inlets. The permit shall be written on blank printed forms prepared for that purpose and be issued in duplicate, one copy of which shall be given to the party having the work done and the other the superintendent of water and sewer department shall file in his office.

(Code 1984 § 31-63; Ord. No. 1320, 4-1999)

Sec. 26-49. - Tap fee.

(a) The following sewer tap fee schedule is established based on the size of the water meter:

| Meter Size<br>(inches) | Fee |
|------------------------|-----|
|------------------------|-----|

|         |          |
|---------|----------|
| ¾ ..... | \$250.00 |
|---------|----------|

|         |        |
|---------|--------|
| 1 ..... | 350.00 |
|---------|--------|

|          |        |
|----------|--------|
| 1½ ..... | 500.00 |
|----------|--------|

|         |        |
|---------|--------|
| 2 ..... | 625.00 |
|---------|--------|

For a three-inch or larger meter the tap fee shall be equal to the price for the installed water meter. No tap fee will be charged for a separate fire line.

(b) Fee and charge calculations for multi-family construction shall be assessed based on the following scale:

- (1) Ten units to 24 dwelling units (50% of all fees)
- (2) Twenty-five units to 49 dwelling units (35% of all fees)
- (3) Fifty units to 74 dwelling units (20% of all fees)
- (4) Seventy-five dwelling units or more (5% of all fees)

- (c) For purposes of this section, the term "dwelling unit" shall mean one or more rooms within a residential multi-family structure, designed for one individual or family, living within such structure independently as a single housekeeping unit.

(Code 1984 §§ 31-2, 31-64; Ord. No. 1320, 4-1999; [Ord. No. 13-04](#), § 3, 2-14-2013; [Ord. No. 15-02](#), § 3, 4-9-2015)

Sec. 26-50. - Denial.

The city manager may refuse to issue the permit required by this division to any person when the proposed connection is for discharging into the sewer system matter which shall or may have a tendency to choke up or injure the sewers, unless each inlet is provided with a sufficient catch basin to prevent such matter from entering the sewer.

(Code 1984 § 31-65)

Sec. 26-51. - Approval of connections by city.

When a connection to the city's sewage disposal system, together with all inlets, is completed, the party making the connection made shall certify that fact to the superintendent of the water and sewer department who shall examine the connection and the plumbing, and if he shall find that they are properly made according to all laws, ordinances and rules, and the sublaternal constructed as designated by him in his permit, he shall issue to the applicant his final approval thereof. No connection shall be made to the sewer system by any person until the superintendent of the water and sewer department shall have issued his certificate of final approval thereof.

(Code 1984 § 31-66)

Secs. 26-52—26-55. - Reserved.

### DIVISION 3. - INDUSTRIAL WASTE

Sec. 26-56. - Short title.

This division shall be known as the "Industrial Waste Ordinance of the City of Roswell, New Mexico."

(Code 1984 § 31-76)

Sec. 26-57. - Definitions and abbreviations.

- (a) Unless otherwise indicated by specific context, the meanings of the terms in this division are as follows:

*Act or the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 United States Code § 1251 et seq.).

*Approval authority* means the regional administrator for the environmental protection agency or his authorized representative.

*Authorized representative of industrial user* means an authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

*Batch discharge* means any indirect discharge at an inconsistent rate in a quantity or quality less than a slug discharge.

*B.O.D., BOD, BOD5 (denoting biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter by standard methods procedure in five days at 20 degrees centigrade expressed in milligrams per liter (mg/l).

*Building drain* means the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*C.O.D., COD (denoting chemical oxygen demand)* is a measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater expressed as the amount of oxygen consumed from a chemical oxidant as under standard laboratory procedure in milligrams per liter (mg/l).

*Composite sample* means combination of individual samples of water or wastewater taken at selected intervals (generally hourly or some similar specified period), to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportional to the flow at time of sampling.

*Control authority* means the approval authority and/or the director in an approved city pretreatment program under the provisions of 40 CFR., 403.11.

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

*Direct discharge* means the discharge of treated or untreated wastewater directly to the ground or surface waters of the state.

*Director* means the city manager or his authorized representative.

*Environmental Protection Agency or EPA* means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storing and sale of produce.

*Grab sample* means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*Hazardous waste* means substances, materials, waters or wastes which are hazardous as defined by 40 CFR Part 261 and/or any other applicable state or federal regulation.

*Holding tank waste* means any wastes from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

*Indirect discharge.* The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 United States Code § 1277), into the POTW (including holding tank waste discharged into the public sewer).

*Industrial liquid wastes* means all waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic wastewater as distinct from normal domestic wastewater. Industrial manufacturing processes shall include, but are not limited to: ordinance; and

accessories; food and allied products; tobacco manufacturers; textile mill products; apparel and other finished products, furniture and fixtures; printing; publishing and allied industries; chemicals and allied products; petroleum refining and related industries; rubber and miscellaneous plastics products; leather and leather products; stone, clay, glass, and concrete products; primary metal industries; fabricated metal products, machinery and transportation equipment; electrical machinery, equipment and supplies; transportation equipment professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; miscellaneous manufacturing industries.

*Industrial user* means any user who discharges industrial liquid wastes into the city's POTW.

*Interference* means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of wastewater sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1354), or any criteria, guidelines or regulations developed (present or future) pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

*Limits* means local limits and pretreatment standards.

*Local limits* means the limits on the discharge or regulation of pollutants to the POTW as developed by the director.

*Monitoring facility* means any facility required to be installed to meet the requirements of the pretreatment program. This includes cleanouts, sample ports, mini manholes, manholes, samplers, meters and other facilities or appurtenances to facilitate observation, sampling and measurement of wastes as required by the director.

*Municipal sewer system* means all sanitary sewers, pumping stations, sewage treatment plants, main sewers, interceptor sewers, outfall sewers, and works for the collection, transportation, pumping and treatment of wastewater, sewage and/or industrial liquid wastes thereto, necessary in the maintenance and operation of the same.

*National Categorical Pretreatment Standard* or *pretreatment standard* means any (present or future) regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users.

*National Prohibitive Discharge Standard* or *prohibitive discharge standard* means any (present or future) regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

*National Pollution Discharge Elimination System* or *NPDES permit* means a discharge permit issued by the approval authority pursuant to Section 402 of the Act (33 U.S.C. 1342).

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

*New source* means any source meeting the criteria as described in 40 CFR 403.3 (k).

*Normal domestic wastewater* means waterborne wastes normally discharging from the sanitary conveniences of buildings (including apartment houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes. Normal domestic wastewater for the city shall be wastewater with an average concentration of five-day BOD is established at 200 milligrams per liter (mg/l); the average concentration of suspended solids is established at 200 milligrams per liter (mg/l).

*pH* means the negative logarithm of the concentration of hydrogen ions in grams per liter of a solution.

*Pass through* means a discharge which exits the POTW into waters of the United States in quantities of concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

*Pollutant* means any dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, city and agricultural waste discharged into water.

*Pollution* means the man-made or man-induced alteration of the chemical, physical, biological, thermal, and radiological integrity of water.

*Pretreatment or treatment* means the reduction of the amount of pollutants, the removal of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR § 403.6(d).

*Pretreatment requirement* means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

*Pretreatment standard* means any (present or future) regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act, which applies to industrial users.

*Publicly owned treatment works (POTW)* means a treatment works as defined by Section 212 of the Act, which is owned by the city. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of city wastewater of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a wastewater treatment plant. For the purposes of this division, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are users of the city's POTW.

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

*Public sewer* means a sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.

*Sanitary sewer* means the public sewer portion of a POTW which transports wastewater and to which storm, surface and groundwater are not intentionally admitted.

*Sewage* means a combination of water-carried wastes from users together with such ground, surface and storm waters as may be present.

*Significant industrial user* means any user meeting the criteria as described in 40 CFR 403.3(t).

*Significantly violating user* means any user meeting the criteria as described in 40 CFR 403.8(f)(2)(vii).

*Slug discharge* means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

*Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, most recent issue.

*Standard methods* shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association and American Water Works Association and the Water Pollution Control Federation.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Storm sewer* means a sewer which carries storm and surface waters and drainage, but excludes wastewater, sewage, and industrial liquid wastes other than unpolluted cooling water.

*Suspended solids (SS)* means solids that either float on the surface of, or are suspended in water, wastewater or other liquids and which are removable by laboratory filtering.

*Total toxic organics* means the summation of all quantifiable values greater than 0.01 mg/l for the organic compounds listed in 40 CFR 433.11(e).

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in (present or future) regulations promulgated by the administrator of the EPA under the provision of Section 307(a)(1) of the Act.

*Trap* means a device for retaining sand, silt, grit mineral material, petroleum solvent, grease or oil by gravity-differential separation from wastewater and of a design and capacity approved by the city.

*Unpolluted process water* means any water or waste containing none of the following: Free or emulsified grease or oil; acid or alkali, phenols, or other substances imparting taste and odor to receiving water; toxic substances in suspension, colloidal state or solution and noxious or odorous gases.

*User* means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

*Waste hauler* means any person who collects holding tank waste.

*Wastewater* shall mean the liquid and water-carried wastes from residences, business buildings, institutions and industrial establishments either treated, pretreated or untreated, together with such ground, surface and storm waters which are contributed into or permitted to enter the POTW.

*Wastewater discharge permit or permit* means the permit issued by the director which stipulates the conditions under which the user may discharge to the POTW.

*Wastewater treatment works* means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. The term is sometimes synonymous with waste treatment plant or wastewater treatment plant.

*Waters of the state* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

*Other terms.* Unless the context of usage indicates otherwise, the meaning of terms in this division not defined in this section shall be defined in the Glossary: Water and Wastewater Control Engineering, prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association and Water Pollution Control Federation, copyright 1969.

(b) Abbreviations used in this division shall have these designated meanings:

- (1) *BOD*. Biochemical oxygen demand (five-day, unless otherwise noted as "ultimate BOD").
- (2) *CFR*. Code of Federal Regulations.
- (3) *COD*. Chemical oxygen demand.
- (4) *EPA*. Environmental Protection Agency.
- (5) *L*. Liter.
- (6) *mg*. Milligrams.
- (7) *mg/l*. Milligrams per liter.
- (8) *NMEID*. New Mexico Environment Department.
- (9) *NPDES*. National Pollutant Discharge Elimination System.
- (10) *POTW*. Publicly owned treatment works.
- (11) *USC*. United States Code.

(12) S/C. Standard industrial classification.

(Code 1984 § 31-77; Ord. No. 1223, §§ 1, 2, 11-1992)

Sec. 26-58. - Purpose.

The purpose of this division is:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which could interfere with the normal operation of the system, and/or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which could pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the treatment plant; and
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(Code 1984 § 31-78)

Sec. 26-59. - Scope.

This division shall apply to the city, to certain nondomestic users, and to the persons outside the city who are, by contract or agreement with the city, users of the POTW.

(Code 1984 § 31-79)

Sec. 26-60. - Enforcement.

Except as otherwise provided in this division, the director shall administer, implement and enforce the provisions of this division.

(Code 1984 § 31-80)

Sec. 26-61. - Effect of additional state or federal requirements.

- (a) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.
- (b) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.

(Code 1984 § 31-81)

Sec. 26-62. - Local limits.

(a) *Specific discharge limitations* .

- (1) Specific discharge limitations. No significant industrial user (SIU) shall discharge or cause to be discharged wastewater that exceeds the following limits:

| Pollutant <sup>(a)</sup>                                  | Daily Maximum Discharge Limit | Units of Measurement    |
|-----------------------------------------------------------|-------------------------------|-------------------------|
| Arsenic                                                   | 0.22                          | mg/L                    |
| Cadmium                                                   | 0.058                         | mg/L                    |
| Chromium                                                  | 4.26                          | mg/L                    |
| Copper                                                    | 2.65                          | mg/L                    |
| Lead                                                      | 1.74                          | mg/L                    |
| Mercury                                                   | 0.104                         | mg/L                    |
| Molybdenum                                                | 1.96                          | mg/L                    |
| Nickel                                                    | 4.83                          | mg/L                    |
| Selenium                                                  | 0.122                         | mg/L                    |
| Silver                                                    | 2.01                          | mg/L                    |
| Zinc                                                      | 4.30                          | mg/L                    |
| 5-Day Biochemical Oxygen<br>Demand (BOD5)                 | 4,833                         | lbs./day <sup>(b)</sup> |
| Total Suspended Solids (TSS)                              | 10,070                        | lbs./day <sup>(b)</sup> |
| Total Nitrogen<br>(TKN+NO <sub>2</sub> +NO <sub>3</sub> ) | 165.7                         | lbs/day <sup>(b)</sup>  |
| pH                                                        | 6.0 to 11.0                   | Standard Units          |

(a) All pollutants as total.

- (b) This limit is the total mass in pounds per day (lbs./day) that are available to allocate to all significant industrial users. Allocations are at the sole discretion of the city.
- (2) The city may, at its sole discretion, implement local limits through allocation of the maximum allowable industrial load (MAIL) to significant industrial users that correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the daily maximum discharge limits in the local limits report dated May 21, 2017 are hereby incorporated by reference.
  - (3) The director may establish more stringent pollutant limits, additional site-specific pollutant limits, best management practices, or additional pretreatment requirements when, in the judgment of the city, such limitations are necessary to implement the provisions of chapter 26, article III, Sewers and Sewerage Disposal.
  - (4) A significant industrial user or other designated industrial user who introduces wastewater into the POTW may be required to submit a salinity control plan if monitoring of the industrial user's discharge shows it exceeds 1,200 mg/L total dissolved solids (TDS). This plan shall contain a description of the chemicals and materials used that contribute to the TDS concentration and the source control measures that could be implemented to reduce the TDS concentration in the discharge to less than 1,200 mg/L or to a level specified by the city that prevents discharges that cause or contribute to pass through or interference.
  - (5) The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for any industrial user to discharge or cause to be discharged any waste or wastewater that exceeds the following limits, as applicable.

| Pollutant <sup>(a)(c)</sup> | Daily Maximum Limit (mg/L) |
|-----------------------------|----------------------------|
| Benzene                     | 0.050                      |
| BTEX <sup>(b)</sup>         | 0.750                      |

- (a) All pollutants shown in the table are total.
- (b) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
- (c) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

(Ord. No. [17-21](#), § 1(Att.), 12-14-2017)

**Editor's note**— Ord. No. [17-21](#), § 1, adopted Dec. 14, 2017, amended § 26-62 in its entirety to read as herein set out. Former § 26-62, pertained to additional city requirements authorized, and derived from Code 1984 § 31-82; Ord. No. 1223, § 3, adopted Nov., 1992; Ord. No. 1320, adopted April, 1999.

Sec. 26-63. - Stormwater discharges.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the director of the city. Industrial cooling water or unpolluted process waters may be discharged on approval of the director, to a storm sewer, or natural outlet.

(Code 1984 § 31-83)

Sec. 26-64. - General prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(Code 1984 § 31-84)

Sec. 26-65. - Specifically prohibited discharges.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the director, that such wastes can harm the POTW or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature and capacity of the POTW, degree of treatability of wastes in the wastewater treatment works and other pertinent factors. The substances which must be considered include, but are not limited to, the following:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the POTW, constitute a hazard to humans or animals; create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment works. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- (3) Any herbicides and pesticides.
- (4) Any waters or wastes having a pH lower than 6.0, or higher than 9.0, or having other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (5) Solids, natural or manmade fibers, insoluble or emulsified oils, fats, greases, slurries or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the POTW such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paunch manure, hair and fleshings, paper, bones, spent lime, stone and marble dust, grass clippings, spent grain and hops, asphalt residues and residues from refining or processing of fuel and lubricating oils.
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to

be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

- (7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
- (8) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. Discharges of BOD concentrations over 200 mg/l shall be subject to section 26-80, cost recovery system. In no case shall a slug load be discharged.
- (9) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment works resulting in interference, but in no case wastewater with a temperature at the introduction into the wastewater treatment plant which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
- (10) Any waters or wastes containing motor or transmission oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (zero to 65 degrees Celsius), in concentrations which the user knows or has reason to know will cause interference with the POTW. Discharges of oil and grease concentrations over 100 mg/L shall be subject to section 26-80, cost recovery system.
- (11) Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand, shall not be discharged into the POTW or if discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.
- (12) Any waters or wastes containing phenols or other taste or odor-producing substances, in concentration exceeding limits established by the director, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (13) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the director in compliance with applicable state and federal regulations.
- (14) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chlorine and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (15) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (16) Any waters or wastes containing cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, zinc and/or other objectionable or toxic substances in concentrations or mass proportions which exceed the established limits.
- (17) Septic tank sludge, except that such sludge may be discharged at selected locations as directed for this purpose by the director.
- (18) Any chlorinated solvents.

(Code 1984 § 31-85; Ord. No. 1223, § 4, 11-1992; Ord. No. 1320, 4-1999)

Sec. 26-66. - Corrective action for noncompliance.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 26-65, and which, in the judgment of the director, may have a deleterious effect upon the POTW or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director, may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers; or
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or user charges;
- (5) Discontinue water service.
- (6) Reserved.

(Code 1984 § 31-79; Ord. No. 1223, § 5, 11-1992; Ord. No. 1320, 4-1999)

Sec. 26-67. - Dilution of discharge.

No industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or any other pollutant-specific limitations developed by the city or state.

(Code 1984 § 31-87)

Sec. 26-68. - Accidental discharges.

- (a) Each industrial user, subject to the requirements of this division, may be required to provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans, showing facilities and operating procedures to provide this protection, shall be submitted to the director for review and shall be approved by the director before construction of the facility. No user who commences contribution to the POTW after the effective date of Ordinance No. 1103 shall be permitted to introduce pollutants into the POTW until accidental discharge procedures have been approved by the director.
- (b) Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the director of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.
- (c) Within five days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this division or other applicable law.
- (d) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all

employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Code 1984 § 31-88)

Sec. 26-69. - Hazardous waste storage.

The storage of hazardous materials in sewerred areas or in areas draining into the municipal sewer system which, because of discharge or leakage from such storage, may create an explosion hazard in the POTW or in any other way have a deleterious effect upon the POTW or constitute a hazard to human health, animals, or the receiving stream, shall be subject to review of the director, who at his discretion may require reasonable safeguards to prevent discharge or leakage of such materials.

(Code 1984 § 31-89)

Sec. 26-70. - Wastewater discharge permit.

- (a) It shall be unlawful to discharge without a city permit to any area under the jurisdiction of the city and/or to the POTW any wastewater except as authorized by the director in accordance with the provisions of this division. The following users shall be required to obtain a permit in accordance with this division:
  - (1) Users subject to National Categorical Pretreatment Standards;
  - (2) Significant industrial users;
  - (3) Any other user as determined by the director.
- (b) Users required to obtain a wastewater discharge permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a fee of \$50.00.
- (c) Existing users required to obtain a permit under subsection (a) of this section shall apply for a wastewater discharge permit within 30 days after the effective date of Ordinance No. 1103 or by the date determined by the director and proposed new users required to obtain a permit under subsection (a) of this section shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
  - (1) Name, address and location (if different from the address);
  - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - (3) Wastewater constituents and characteristics. Sampling and analysis shall be performed in accordance with 40 CFR 403.12(b)(5)(vi);
  - (4) Time and duration of contribution;
  - (5) Average daily and maximum daily wastewater flow rates, including daily, monthly and seasonal variations, if any;
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
  - (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
  - (8) The nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional

operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

- (9) If additional pretreatment or other measures will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., selecting a consulting engineer, completing preliminary plans, completing final plans, review and approval of construction plans by director, executing contract for major components, commencing construction, completing construction, plant start-up, etc.).
  - b. No increment referred to in subsection (c)(9)a. shall exceed nine months.
  - c. Not later than 14 days following each date in the schedule and the final date for compliance, the authorized representative of the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the director.
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) Any other information as may be deemed by the director to be necessary to evaluate the permit application.

The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the director may issue a wastewater discharge permit subject to terms and conditions provided herein, if it is determined by the director that the characteristics of the discharge are not in compliance with the provisions of this division, the application may be denied and the applicant advised by the director of steps which must be taken to ensure compliance with the provisions of this division.

- (d) Wastewater discharge permits shall be expressly subject to all provisions of this division and all other applicable regulations, and charges and fees established by the city. Permits may contain the following:
  - (1) Limits on the average and maximum wastewater constituents and characteristics;
  - (2) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
  - (3) Requirements for installation and maintenance of inspection and sampling facilities;
  - (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - (5) Compliance schedules;
  - (6) Requirements for submission of technical reports or discharge reports;
  - (7) Requirements for maintaining and retaining plant records of the user relating to wastewater discharge as specified by the director, and affording director access thereto;

- (8) Requirements for notification of the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (9) Requirements for notification of slug and/or batch discharges;
- (10) Requirements for notification of potential discharge problems;
- (11) Statement regarding the applicable civil and criminal penalties for violations and noncompliance with the permit;
- (12) Statement that the city will monitor and inspect the permitted premises at a minimum frequency of once per year.
- (13) Statement that the permit is nontransferable without prior approval of the director.
- (14) Other conditions as deemed appropriate by the city to ensure compliance with this division.
- (e) Permits shall be issued for a specific time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements are modified or other just causes exist. The user shall be informed of any proposed changes 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (f) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the director.
- (g) Any user who violates the following conditions of this division or applicable state and federal regulations, is subject to having his permit revoked:
  - (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
  - (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(Code 1984 § 31-79; Ord. No. 1223, §§ 6, 7, 11-1992)

Sec. 26-71. - Request for determination of categorical or subcategorical standard.

Any user may request a determination of categorical or subcategorical standards in accordance with 40 CFR 403.6(a).

(Code 1984 § 31-99; Ord. No. 1223, § 8, 11-1992)

Sec. 26-72. - Variance of categorical standard.

Any user may request a variance from categorical pretreatment standards in accordance with 40 CFR 403.13.

(Code 1984 § 31-92; Ord. No. 1223, § 9, 11-1992)

Sec. 26-73. - Reporting requirements.

40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution, shall be incorporated and become a part of this section. All reports and reporting requirements required under 40 CFR 403 shall be required under this section.

(Code 1984 § 31-79; Ord. No. 1223, § 10, 11-1992)

Sec. 26-74. - Grease, oil and sand traps.

Grease, oil and sand traps shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts; or any flammable wastes, sand, or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the director, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease, oil and/or sand traps shall be installed in all new automotive service stations, garages, restaurants and other new facilities wherein heavy discharge of grease and oil is to be expected.

(Code 1984 § 31-94)

Sec. 26-75. - Monitoring facilities.

- (a) When required by the director, the owner of any property serviced by a building sewer carrying industrial liquid wastes shall install a suitable monitoring facility in the building sewer.
- (b) Such facility shall be accessibly and safely located and constructed in such a manner as to prevent infiltration of ground and surface waters, and shall be constructed in accordance with plans approved by the director. The monitoring facility shall be located such that sampling of the industrial wastes will be performed prior to discharge into the POTW and shall be safe and accessible at all times.
- (c) The director shall require monitoring facilities to be provided and operated at the user's own expense and to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.
- (d) There shall be ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- (e) Whether constructed on public or private property, sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the director.

(Code 1984 § 31-95; Ord. No. 1223, § 11, 11-1992)

Sec. 26-76. - Inspections and sampling.

- (a) The city may inspect the facilities of any user to ascertain whether the purpose of this division is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, NMEID and the EPA shall have the

right to copy any and all of the user's records and to install on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

- (b) All sampling and analysis of the characteristics of waters and wastes shall be in accordance with 40 CFR 403.12(b)(5)(vi), and shall be taken at the monitoring facility provided.

(Code 1984 § 31-96; Ord. No. 1223, § 12, 11-1992)

Sec. 26-77. - Pretreatment facilities.

- (a) Users shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the director shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review and shall be acceptable to the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the director under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the director prior to the user's initiation of the changes.
- (b) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or NMEID upon request, except that information deemed confidential as defined in section 26-78.
- (c) Construction of approved pretreatment facilities shall be completed within the time frame established by the director.

(Code 1984 § 31-97; Ord. No. 1223, § 13, 11-1992; Ord. No. 1320, 4-1999)

Sec. 26-78. - Confidentiality of reports, etc.

- (a) Information and data on a user obtained from reports, questionnaires, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the governing body that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- (b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this division, the national pollutant discharge elimination system (NPDES) permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (c) Information, accepted by the governing body as confidential, shall not be transmitted to any governmental agency or to the general public by the governing body until and unless a ten-day notification is given to the user.

(Code 1984 § 31-98)

Sec. 26-79. - Miscellaneous enforcement provisions.

- (a) Whenever the director finds that any user has violated or is violating this division, the city shall serve upon such person a written notice stating the nature of the violation. Within ten days of receipt of such notice, the user shall submit to the director an explanation of the violation and a plan for satisfactorily correcting such violation. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
- (b) Whenever the director finds that any user has violated or continues to violate this division, he may issue an order to the user responsible for the violation directing that, following a specified time period, further enforcement proceedings will be pursued unless adequate treatment facilities, devices, or other related appurtenances have been properly installed and are properly operated. These administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional monitoring and management practices.
- (c) The city may suspend the wastewater treatment service, water service and/or waste-water discharge permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit. The city may also suspend the wastewater treatment service, water service and/or wastewater discharge permit when such suspension is necessary, in the opinion of the director, to enforce user's compliance with the requirements of their permit, information requirements for permit issuance or construction of pretreatment facilities and/or monitoring facilities.
- (d) Any person affected by an order or directive of the city issued pursuant to this division may, within ten days of the issuance of such order or directive, request a hearing before the city to show cause why such order should be modified or made not to apply to such person. Such request shall be in writing and addressed to the director at 425 N. Richardson Avenue, City Hall, Roswell, New Mexico, 88201. The city shall hold the requested hearing as soon as practical after receiving the request. At the conclusion of the hearing the director shall issue a written response to the person requesting the hearing either affirming or modifying the questioned order or directive. Any appeal of the director's decision shall be as provided by state law.
- (e) Any user who has violated or continues to violate any provisions of this division or permit or order issued hereunder, shall be liable to the city for a civil penalty, as allowed by law, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the city may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring costs.

(Code 1984 § 31-99; Ord. No. 1223, § 14, 11-1992)

Sec. 26-80. - Cost recovery system.

- (a) The city shall take necessary steps to establish a rate schedule for sewer service that assures an equitable system of cost recovery. The purpose hereof is that the industrial users shall pay for the costs incurred by the city in the construction, operation and maintenance of that portion of the POTW related to industrial wastes.
- (b) The cost recovery system shall satisfy the following conditions:
  - (1) The apportionment of costs must take into consideration the individual industrial user's contribution as related to the total waste load taking into account the volume and strength of all discharges.
  - (2) The costs to be considered should include, but are not limited to:
    - a. Amortization of the applicant's indebtedness for the cost of the treatment works (plant and interceptors);

- b. Operation and maintenance of the treatment works;
- c. Fees for reimbursement of costs of setting up and operating the pretreatment program;
- d. Fees for monitoring, inspections and surveillance procedures;
- e. Fees for reviewing accidental discharge procedures and construction;
- f. Fees for filing appeals;
- g. Fees for consistent removal by the POTW of pollutants otherwise subject to federal pretreatment standards;
- h. Fees for permit applications;
- i. Other fees as the director may deem necessary to carry out the requirements contained herein.

(3) Substantial prepayment of the capital investment or other financial commitments will be required from each industry that contributes 30 percent or more of the total volume or strength of the waste load to be treated by the project.

(c) The following cost recovery system is hereby adopted. The system is based on a basic rate for wastes, which do not exceed the concentration of "normal" domestic sewage (with respect to BOD and SS), plus a surcharge for wastes which exceed the concentration of "normal" sewage. The industrial charge (IC) will be calculated with the following formula:

$$IC = jV + V(a(BOD - 200) + b(SS - 200))$$

IC = Industrial charge per month

V = Volume discharged in millions of gallons per month

j = Basic rate \$40.00 per million gallons treated per month

a = BOD surcharge factor (dollars per million gallons per milligram per liter) based on the treatment costs attributable to the removal of BOD = \$0.10

BOD = Five-day @ 20° C. BOD of the industrial wastes (mg/l) to be measured at intervals from composite samples

b = SS surcharge factor (dollars per million gallons per milligram per liter) based on the treatment costs attributable to the removal of SS = \$0.04

SS = Suspended solids of the industrial waste (mg/l) to be measured at intervals from composite samples

\* The assumed concentration of BOD and SS in "normal" domestic wastewater is 200 mg/l.

*Basis of calculation:*

Annual capital cost: Collection system @ 2%, 50 yr ..... \$44,000.00

Annual capital cost: Treatment plant @ 5%, 20 yr ..... 60,000.00

Plant operation and maintenance (annual) ..... 93,000.00

33% of O&M attributable to BOD removal.

10% of O&M attributable to SS removal.

*Industrial charges:*

Basic Charge per/million gals. treated ..... \$40.00

Cost per pound BOD Removal ..... 0.0122

Surcharge (BOD greater than 200 mg/l): 1 mg/l Per Million Gals. Treated/Mo ..... .0.10

Cost per pound SS Removal ..... 0.005

Surcharge - (SS greater than 200 mg/l): 1 mg/l per Million Gals.

Treated/Mo ..... 0.04

- (d) The following supplemental cost recovery system is hereby adopted and shall be applied to industrial users contributing wastes having oil and grease levels in excess of 100 mg/l. For industrial users contributing wastes having oil and grease levels exceeding 100 mg/l, the industrial charge (IC) will be calculated with the following formula:

$$IC = jV + V(a(BOD-200) + b(SS-200) + c(OG-100))$$

c = Oil and grease surcharge factor (dollars per million gallons per milligram per liter) based on the treatment costs attributable to the removal of oil and grease = \$0.92.

OG = Oil and grease of the industrial waste (mg/l) to be measured at intervals as prescribed by the director.

All other definitions are the same as stated in subsection (c) of this section.

(Code 1984 § 31-100)

Sec. 26-81. - Falsified information.

It is unlawful for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or wastewater discharge permit, or to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this division.

(Code 1984 § 31-101)

Sec. 26-82. - Liens, remedies, fees and collections.

All remedies prescribed or liens created hereunder or pursuant to law for collection and enforcement of the fees shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this division or any liens created by the law. The fees fixed by this division shall be a lien in favor of the city upon the personal property of the person used in connection with the sewer use which gave rise to the fee and such lien shall be imposed, collected, enforced and paid as provided by the law. No property of any person shall be exempt from levy and sale of execution issued for the collection of a judgment for any fee imposed by this division.

(Code 1984 § 31-102)

Sec. 26-83. - Violations.

- (a) If any person discharges sewage, industrial liquid wastes or other wastes into the POTW contrary to the provisions of this division or any order issued by the city, the city attorney may commence an action for appropriate legal and/or equitable relief including damages in the municipal court.

- (b) Every person convicted of a violation of this division shall be guilty of a misdemeanor. The conviction and punishment of any person for a violation shall not excuse or exempt such person from the payment of any fee due or unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution of any violation of the provisions of this division. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, regulations and permits issued hereunder.
- (c) The city shall annually publish in the local newspaper a list of the industrial users which, during the previous 12 months, were determined to be significantly violating users.
- (d) 40 CFR 403.16, up. et provision, and 40 CFR 403.17, bypass, shall be incorporated and become part of this section.

(Code 1984 § 31-103; Ord. No. 1223, §§ 15, 16, 11-1992)

Sec. 26-84. - Penalties.

Any person convicted of a violation of this division shall be subject to fines of up to \$1,000.00 for each violation or such other amount as allowed by state statute and terms of imprisonment as allowed by state statute.

(Code 1984 § 31-104; Ord. No. 1223, § 17, 11-1992)

Secs. 26-85—26-95. - Reserved.