

# Lower Rio Grande Public Water Works Authority

## POLICY # 2014-03: Industrial Pretreatment Policy

### A. AUTHORITY

Lower Rio Grande Public Water Works Authority (LRGPWWA) is a political subdivision of the State of New Mexico, established under House Bill 185 NMSA 1978 73-26-1 as a Special District and an independent body. Further, LRGPWWA owns and operates a wastewater collection system in its Southern service area, discharging to the Doña Ana County South Central Wastewater Treatment Facility under contract with Doña Ana County. Further, LRGPWWA owns and operates a wastewater collection and treatment facility in its East Mesa service area. This policy is established by the LRGPWWA Board of Directors and applies to all customers receiving wastewater services from LRGPWWA. Discharge from the LRGPWWA Southern service area is subject to the terms of Doña Ana County Wastewater Systems Ordinance, Chapter 3.19-40 through 3.19-43 (attached) which the Board of Directors hereby adopts and makes applicable to its East Mesa service area as well.

### B. PURPOSE AND INTENT

The purpose of this Policy is to establish limitations and prohibitions on the quantity and quality of wastewater which may be discharged into the LRGPWWA collection system and establish a system of escalating enforcement responses to all identified instances of noncompliance with the Policy and Wastewater Discharge Permits issued by the LRGPWWA. Pretreatment of some wastewater discharges will be required to achieve compliance with this Policy. All users are required to reduce, eliminate, or otherwise prevent polluting substances from entering their wastewater stream by source reduction or waste minimization. The specific limitations set forth in the attached Doña Ana County Waste Water Systems Ordinance are necessary to enable the LRGPWWA to meet requirements contained in its permits and its agreement with Doña Ana County, to protect the public health and the environment, and to provide efficient wastewater treatment and protect the health and safety of wastewater personnel. The intent of this Policy is:

1. Industrial Users and Food Service Establishments, ~~and Hauled Waste~~ permit holders should be aware of the requirements of the Policy and their discharge permits;
2. Industrial Users should be in control of their processes at all times; therefore, it is reasonable to assume that results of periodic monitoring and inspections can be considered indicative of routine operations;
3. Since it is not practical for the LRGPWWA to monitor all Users on a daily basis, Industrial Users should have on-going self-monitoring programs to assure that process performance is in compliance with their discharge permits and the Policy at all times; and

4. A process that is routinely in compliance should be, barring major equipment failure, easily and quickly returned to compliance when an instance of noncompliance occurs.

The further intent is to encourage complete and consistent compliance with the Policy and discharge permits. Self-monitoring is not required (although it is encouraged so the User can maintain control of the pretreatment process and discharge).

Another intent is to encourage rapid and effective return to compliance when noncompliance or deficiencies occur. There are costs to the User for a violation. These can be minimized by quickly identifying and permanently correcting the cause of the noncompliance.

The Policy defines the range of appropriate enforcement actions based upon the nature and severity of the violation and other relevant factors. Selection of a response will take into consideration:

- Good faith of the User
- Compliance history of the User
- Previous success of enforcement actions taken against the particular User (e.g., if notice of violations (NOV) have not previously succeeded in returning the User to compliance, an administrative order is the more appropriate response)
- Violation's effect on the receiving waters
- Violation's effect on the Publicly Owned Treatment Works (POTW) and NPDES Permit
- Violation's effect on the Collection System
- Violation's effect on LRPWWA employee health and safety

### **C. DETERMINING COMPLIANCE AND NONCOMPLIANCE**

Procedures used to determine compliance and noncompliance are based upon criteria described in Doña Ana County Ordinance §319-41, Rule 22 (attached). Every instance of noncompliance will be investigated.

### **D. INVESTIGATION OF INSTANCES OF NONCOMPLIANCE**

Procedures used to investigate instances of noncompliance are described in Doña Ana County Waste Water Systems Ordinance §319-41, Rule 22 (attached). Every instance of noncompliance will be evaluated by the LRGPWWA to determine if it constitutes a violation of the Policy and/or the User's Wastewater Discharge Permit.

### **E. DISCHARGE VIOLATIONS**

#### **1. Permitted Discharges**

##### **a. Routine Water Authority Monitoring**

The Policy is based upon the concept that the most accurate representation of the discharge of a User can be obtained by continuously monitoring over

several days during a work-week. Therefore, whenever possible, routine LRGPWWA monitoring will consist of four (4) consecutive days of appropriate monitoring during a work-week. Batch volumes collected over time will be sampled with a single sample considered as a composite sample

**b. Violations Detected During Routine Water Authority Monitoring**

**1) General**

Generally within five (5) days of becoming aware of a violation, the LRGPWWA will issue a written Notice of Violation (NOV) describing the violation and the actions required of the User as a result of the violation. The NOV will require the User to submit, within fifteen (15) days of receipt of the notice, a compliance schedule detailing the cause of the violation, what corrective action has been or will be taken to correct the problem and the date the discharge has returned or will return to compliance.

If the time frame in the compliance schedule does not appear to be reasonable, the LRGPWWA Operations Manager will set an acceptable return to compliance date.

If the return to compliance date identified by the User is more than thirty (30) days after the date the OM becomes aware of the violation, the LRGPWWA will schedule the collection of interim discharge samples for the pollutant(s) in violation every 30 days until the return to compliance date. This does not preclude the OM from monitoring on a more frequent basis.

When a return to compliance date has been established, the LRGPWWA will schedule return to compliance monitoring for the pollutant(s) in violation. Return to compliance monitoring will consist of four (4) consecutive days of monitoring or any other period determined by the OM to be representative to document a return to compliance.

If return to compliance monitoring demonstrate that the discharge is in compliance, the OM will notify the Industrial User, in writing, that the compliance schedule has been met and that the NOV is closed.

**2) pH**

**a. Continuous Discharges**

If a violation for pH should occur, the User must report it within 24 hours and submit a written report within five (5) days to LRGPWWA OM. In addition, because continuous

monitoring is already in place there is no need to require additional monitoring. Therefore, when the NOV is issued by the OM after receipt of the written notification from the User of the violation, it will note the violation without requiring any further response from the User.

Responses to significant excursions will be determined on an individual basis much like a spill or accidental discharge of any other pollutant.

**b. Batch Discharges**

Any pH excursion detected in batch discharges must be corrected at the time detected. The pH must be adjusted to bring it within the required range before the batch is discharged. If the batch is discharged and the pH is outside the acceptable range, LRGPWWA will issue an NOV for such violations with the same requirements as for other discharge violations.

**c. Single vs. Multiple Violations**

**1) General**

Discharge violations are individual instances of noncompliance with any of the "daily maximum allowable discharge limits" specified in the User's permit. Each pollutant will be considered separately for purposes of determining violations. For example, exceeding the limits for three (3) pollutants in a single composite sample will be considered three (3) violations. For categorical industries, violations of every one (1) day, four (4) day, or monthly pollutant limit in the discharge permit will each be considered separate violations for purposes of this Policy.

**2) pH**

**a. Continuous Discharges**

For permittees required to continuously monitor for pH, pH violations are defined as any individual excursion exceeding 60 minutes in duration or multiple excursions which total duration exceeds 7 hours and 26 minutes in any calendar month.

Individual grab sample pH measurements from continuous discharges will be used to determine the pH at the point in time that they are collected. This information will be used to advise Users of potential problems with their discharge and may be used to determine the need to require continuous pH monitoring by the User.

**d. Recovery of Costs and Administrative Assessments**

**1) General**

The LRGPWWA will bill Users to recover actual expenses incurred by the LRGPWWA as a result of discharge violations. In addition, Administrative Assessments may be imposed for violations in proportion to the magnitude and duration of the violations as listed in the "Schedule of Rates and Fees."

The User is required to reimburse the LRGPWWA for all costs associated with sample collection and analysis required as a result of a discharge violation. The costs may include the scheduling, manpower, materials, collection and analysis of each interim sample and each of the return to compliance samples.

**2) pH**

Administrative Assessments will be imposed for pH violations to recover costs of damages or repairs to the Publicly Owned Treatment Works.

**e. Violations Detected During Return to Compliance Monitoring**

If any of the samples collected to verify return to compliance is in violation of a limit, the Authority Operations Manager will notify the User, in writing, and direct the User to attend a conciliation meeting to develop a new compliance schedule to bring the discharge back into compliance. The compliance schedule will establish the individual tasks required to achieve compliance and the date each should be accomplished (milestones). In addition, an interim monitoring schedule will be developed for the pollutant(s) in violation, typically on a weekly basis. The User will be required to reimburse the Water Authority for this expense as described above. This does not preclude the LRGPWWA from monitoring on a more frequent basis at the LRGPWWA's expense.

At the end of the compliance schedule, the OM will schedule return to compliance monitoring for the pollutant(s) in violation.

If the return to compliance monitoring indicates the discharge of the pollutant(s) in violation remained below the limits for all samples collected, the OM will notify the User, in writing, that the compliance schedule has been met and that the NOV is closed.

If any of the samples collected are in violation of a limit, an administrative order may be issued. Concurrent with the issuance of the administrative

order, the OM may require collection and analysis of additional interim samples. The User may be required to reimburse the LRGPWWA for all costs as described earlier.

**f. Chronic Violations—Long Term Noncompliance**

Long term noncompliance on a pollutant by pollutant basis will be determined at the end of each quarter based upon the criteria in 40 CFR 403.8 (f) (2) (vii). The number of violations for each pollutant occurring in the six (6)-month period preceding the end of the quarter will be determined and divided by the total number of sample results for each pollutant analyzed for any purpose, routine, compliance, etc., during the same time period. These will be calculated on the appropriate one (1) day, four (4) day and/or monthly average basis. The resulting percentage will be compared against the limits shown below. If the percentage of violations equals or exceeds the limits shown below, the discharge will be classified as in significant noncompliance (SNC). Public notification of this fact is required and will be done on an annual basis through publication in the newspaper.

<b>Magnitude of Violation</b>	<b>% of Sample Results in Violation in a 6 Month Period</b>
100% < Result ≤ 120% of Limit	66%
120% < Result	33%

**F. USER ADMINISTRATIVE VIOLATIONS**

**1. Late or Incomplete Reports**

Failure to submit a required report or submittal of incomplete reports (missing information, improper signatures, etc.) by the due date are considered violations. This includes, but is not limited to, routine reports described in the Reporting Requirements Section of the Wastewater Discharge Permit, reports required by the Standard Conditions of the permit, reports required in the special provisions (endorsements) of the permit and special reports such as compliance schedules required as the result of permit violations or deficiency notices.

If a complete report is received within five (5) days after the due date, the LRGPWWA will consider the report late/without penalty and no further action will be required by the Permittee. Administrative Assessments may be imposed for failing to submit complete reports within thirty (30) days after the due date. The assessment will be \$200 for the first violation and \$400 for any subsequent violations during the pretreatment year.

Failure to submit reports required in compliance schedules within thirty (30) days of the due date will be considered significant noncompliance and will require public notification as described earlier.

## **2. Failure to Report Accidental or Sludge Discharges**

In the event of by-pass, upset, accidental discharge, spill or sludge load which may endanger health, the environment or the POTW, the User shall:

- a. Immediately notify the LRGPWWA Operations Manager via telephone 575-233-5742, xt 112 or 575-635-3921 (Monday–Friday, 8:00–5:00 pm) or the after-hours emergency phone 575-621-6777 (all other hours).
- b. Submit a written notification within five (5) days to the OM. Failure to do so is a violation. Such violations will be evaluated individually to determine the appropriate response which may include administrative orders, civil action, criminal investigation, revocation of the discharge permit or immediate termination of service.

## **3. Falsification of Reports**

Falsifying information on reports may result in civil or criminal investigation and possible revocation of the discharge permit or immediate termination of service.

## **4. Failure to Meet Compliance Schedule Milestones**

Failure to meet a compliance schedule milestone without sufficient cause is a violation. If a task is accomplished less than thirty (30) days after an intermediate milestone, it will be considered late/without penalty. The Pretreatment Program will issue an NOV but no further action will be required by the User.

If a task is accomplished more than thirty (30) days after an intermediate milestone, the LRGPWWA OM may direct the User to attend a conciliation meeting to determine if an administrative order should be issued to assure compliance with the final milestone.

Failure to meet the final milestone on schedule will be evaluated on an individual basis to determine the effect of the delay and the appropriate response which may include an administrative order or suspension of the discharge permit.

## **5. Deficiencies**

Deficiencies are conditions or operational procedures normally noted during inspections that could result in violations if not corrected within a reasonable period of time.

For any deficiencies noted during an inspection, the LRGPWWA OM will notify the User in writing. The User will be given fifteen (15) days from the receipt of the Deficiency Notice to submit a compliance schedule detailing how and when the deficiency(s) will be corrected.

Failure to submit the required compliance schedule with adequate corrective actions will initiate standard NOV enforcement response activities, including but not limited to, repeat inspections/monitorings, conciliation meetings, reimbursement charges, administrative orders and/or other actions deemed appropriate by the Industrial Pretreatment Engineer. The provisions of paragraph 4 above "Failure to Meet Compliance Schedule Milestones" shall apply to Deficiency Notices.

**6. Inadequate Recordkeeping**

Inadequate recordkeeping, i.e., incomplete or missing files and manifests, discovered during Pretreatment inspections will be considered unsatisfactory. Unsatisfactory recordkeeping may result in a Deficiency Notice.

**G. SPILLS**

Spills will be evaluated individually to determine an enforcement response appropriate to the cause and effect of the discharge. Administrative orders or routine NOV notification, if applicable, will normally be issued for spills that cause no significant harm. Spills that may present an imminent or substantial endangerment to the health and welfare of persons, to the environment or which may cause interference with the Publicly Owned Treatment Works may result in civil action to recover damages. A second occurrence during a pretreatment year may result in an escalated enforcement response and possible termination of water and/or sewer service.

**H. ILLEGAL DISCHARGE**

Illegal discharges as defined in the Policy are violations. Illegal discharges will be evaluated on a case-by-case basis to determine an enforcement response.

**I. UNPERMITTED DISCHARGE**

If required by the Policy or federal regulations to be permitted, discharge of industrial wastewater without a permit is illegal. When the LRGPWWA OM becomes aware of a discharge that may require a permit but has never been permitted, the OM will notify the industry in writing and require the industry to submit an application for a permit within fifteen (15) working days of receipt of the notice.

The OM may initiate wastewater sample collection immediately to determine the compliance status of any discharge. The OM will notify the User of any monitoring results for consideration of appropriate pretreatment requirements. The LRGPWWA reserves the right to issue NOVs, Administrative Assessments or any other enforcement actions or discharge requirements for any violations detected in the time frame up to and including the completion date of pretreatment facilities according to an approved compliance schedule as part of a permit application.

If a completed application for a permit is not submitted within fifteen (15) working days of receipt of the notice, the OM will issue a second written notice stating that the application must be submitted within five (5) working days or a formal NOV and associated enforcement activities including potential suspension of water and/or sewer service will be initiated.

#### **J. NON-PERMITTED DISCHARGE**

Discharge of industrial wastewater after the expiration date of a discharge permit without a time extension granted by the LRGPWWA OM is a violation. If this is caused by failure to apply for renewal of a discharge permit within the prescribed time period before the expiration of the permit, the OM will issue a NOV and grant a time extension to the existing permit that will keep the provisions of that permit in effect until issuance of a new permit. The Pretreatment Program will make every effort to issue reminders to existing permittees six (6) months before the expiration of a permit. However, failure to do so will not relieve the Permittee of the responsibility to apply for renewal. Failure to apply for renewal after receipt of an NOV or reminder may be cause for terminating service until issuance of a new permit.

#### **K. FATS, OILS, AND GREASE VIOLATIONS**

Failure by a Food Service Establishment (FSE) to install an adequately sized Grease Removal System (GRS) is considered a violation. After becoming aware of a violation, the LRGPWWA OM will issue a written NOV describing the violation and the actions required of the FSE as a result of the violation. The NOV will require the FSE to submit, within fifteen (15) days of receipt of the notice, a compliance schedule with the date the FSE will have a GRS installed, or proof that a GRS has been installed. Typically, compliance must be achieved within one (1) year of the date of the initial NOV. Failure to install a GRS within the date specified in the compliance schedule is a violation and will incur an administrative assessment in the amount listed in the "Schedule of Rates and Fees."

If there is no reply to the initial NOV it is a reporting violation and, a second NOV will be sent, with identical requirements. An Administrative Assessment will be applied to the FSE's water bill each month until a compliance schedule is submitted. If there is no reply to the second NOV, a third NOV will be sent, with identical requirements. If there is no reply to the third NOV, water service may be terminated.

Failure by a FSE to maintain a GRS is a violation. After becoming aware of a violation, the Industrial Pretreatment Engineer will issue a written NOV describing the violation and the actions required of the FSE as a result of the violation. The NOV will require the FSE to submit, within fifteen (15) days of receipt of the notice, a compliance schedule with the date the FSE will have the GRS repaired, or proof that a GRS has been repaired. Typically, compliance must be achieved within ninety (90) days of the date of the initial NOV. Failure to repair a GRS within the date specified in the compliance schedule is a violation and will

incur an administrative assessment in the amount listed in the “Schedule of Rates and Fees.”

Grease Removal Systems must be cleaned at least once every six months or whenever the combined thickness of the floating greases and settled solids is equal to, or greater than, 25 percent of the total liquid depth in the GRS. Failure to clean the GRS at least every six months or when required by the 25 percent rule is a violation. After becoming aware of a violation, the OM will issue a written NOV describing the violation and the actions required of the FSE as a result of the violation. The NOV will require the FSE to submit, within fifteen (15) days of receipt of the notice, manifests or other proof that the GRS has been cleaned. Failure to pump out a GRS within fifteen (15) days is a violation and will incur an administrative assessment in the amount listed in the “Schedule of Rates and Fees.”

#### **L. HAULED WASTEWATER VIOLATIONS**

Hauled wastewater is prohibited

#### **M. DENTAL VIOLATIONS**

Failure by a non-exempt dental office to install a Mercury amalgam separator is a violation. After becoming aware of a violation, the LRGPWWA OM will issue a written NOV describing the violation and the actions required of the dental office as a result of the violation. The NOV will require the dental office to submit, within fifteen (15) days of receipt of the notice, a compliance schedule with the date the dental office will have a Mercury amalgam separator installed, or proof that a Mercury amalgam separator has been installed. Typically, compliance must be achieved within one (1) year of the date of the initial NOV. Failure to install an amalgam separator within the date specified in the compliance schedule is a violation and will incur an administrative assessment in the amount listed in.

If there is no reply to the initial NOV, it is a reporting violation and a second NOV will be sent, with identical requirements. An Administrative Assessment will be applied to the dental office's water bill each month until a compliance schedule is submitted. If there is no reply to the second NOV, a third NOV will be sent, with identical requirements. If there is no reply to the third NOV, water service may be terminated.

Failure by a non-exempt dental office to maintain a Mercury amalgam separator is a violation. After becoming aware of a violation, the OM will issue a written NOV describing the violation and the actions required of the dental office as a result of the violation. The NOV will require the dental office to submit, within thirty (30) days of receipt of the notice, manifests proving that the dental has disposed of its Mercury amalgam separator waste. Failure to properly dispose of amalgam waste within thirty (30) days will incur an administrative assessment in the amount listed in the “Schedule of Rates and Fees.”

If there is no reply to the initial NOV, a second NOV will be sent, with identical requirements. An Administrative Assessment will be applied to the dental office's water bill

each month until a compliance schedule is submitted, or proof of waste disposal is provided. If there is no reply to the second NOV, a third NOV will be sent, with identical requirements. If there is no reply to the third NOV, water service may be terminated.

# Doña Ana County

## Chapter 319. Wastewater Systems

### Article II. Rules and Regulations

#### § 319-40. Rule 21: Limitations and Restrictions of Use

- A. If an existing customer is planning further development, which will use unusually large quantities of water, the County shall be consulted in advance for its approval of such additional service and for the terms and advice as to conditions under which the wastewater will be collected from the premises of the customer.
- B. The County reserves the right to limit the size of service connections and to prohibit the customer's flow of excessive quantities of wastewater that exceed or strain the capacity of the County's facilities. Noncompliance of this rule by a customer shall constitute grounds for discontinuing service in accordance with Rule No. 12, Discontinuance and Denial of Restoration of Service.
- C. The County reserves the right to impose restrictions or limitations on wastewater services should an outside governing or regulatory body impose similar restrictions on the County.

#### § 319-41. Rule 22: General Prohibitions and Limitations on Discharge

The purpose of this rule is to establish limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the County system. Pretreatment of some wastewater discharges will be required to achieve compliance with this chapter. All users are required to reduce, eliminate, or otherwise prevent polluting substances from entering their wastewater stream by source reduction or waste minimization. The specific limitations set forth herein are necessary to enable the County to meet requirements contained in its permits, to protect the public health and the environment, and to provide efficient wastewater treatment and protect the health and safety of wastewater personnel. The County shall periodically review said limitations to ensure that they are sufficient to meet the goals of this chapter. The County shall recommend changes or modifications as necessary.

##### A. Prohibited pollutants.

- 1) Specific prohibitions. No user shall introduce into the County system any of the following pollutants which acting alone or in conjunction with other substances present in the wastewater could interfere with the operation of the County system:
  - a) Pollutants which could create a fire or explosive hazard in the County system, including, but not limited to, wastewater streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21.

- b) Pollutants which could cause corrosive structural damage to the County system, but in no case, discharges with a pH lower than 5.0 or higher than 11.5.
- c) Solid or viscous pollutants in amounts which could cause obstruction to the flow in the wastewater lines, or other interference with the operation of or which could cause damage to the County system, including grease, wax or other materials which tend to coat and clog a sewer line or other appurtenances thereto.
- d) Any pollutant which could cause interference in the County system or individual unit operations, including oxygen demanding pollutants (BOD, COD and the like), released in a discharge at a flow rate and/or pollutant concentration which could cause interference in the County system or individual unit operation.
- e) Any persistent pesticides or herbicides, such as dieldrin, aldrin, chlordane, endrin, heptachlor, toxaphene, lindane, dioxin, benzene hexachloride (BHC), and polychlorinated biphenyls (PCBs) or other toxic refractory organic chemicals.
- f) Heat in amounts which will inhibit biological activity in the County system resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds 40° C. (104° F). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge, into any public wastewater system or other appurtenance of the County system, wastewater with a temperature exceeding 60° C. (140° F.).
- g) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through; and in no case greater than 100 mg/l.
- h) Pollutants which result in the presence of toxic gases, vapors, or fumes within the County system in a quantity that may cause acute worker health and safety problems as determined by the County.
- i) Trucked or hauled pollutants, except at discharge points designated by the County.
- j) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the wastewater system for maintenance or repair; or pollution of receiving waters.
- k) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which subsequently imparts color to the treatment plant's effluent, thereby violating the County's permits.
- l) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the County.

- m) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
  - n) Medical wastes, except as specifically authorized by the County in a wastewater discharge permit.
  - o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
  - p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the County system.
  - q) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 300 mg/l.
  - r) Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limit established by the County in compliance with applicable state or federal regulations.
  - s) A sludge discharge having a flow rate or containing pollutant concentration that will cause inhibition, pass-through, or sludge contamination of the County system, including, but not limited to, the specific prohibitions defined in 40 CFR 403.5(b) to 403.12(f).
  - t) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - u) Any pollutant which would result in a violation of any statute, rule, regulation or ordinance of any public agency, including discharges prohibited by the EPA.
- 2) For those situations in which a County system is connected to a municipal system, water and sanitation district, or other system not owned by the County, the user must comply with the applicable municipal codes, ordinances and regulations of that municipality, the water and sanitation district or other system regarding prohibited discharges, industrial liquid waste, and wastewater pretreatment.

B. Wastewater evaluation.

- 1) The wastewater of a user shall be evaluated upon the following criteria:
  - a) Whether the wastewater contains any element or compound which is not adequately removed by the treatment process and which is considered to be an environmental hazard by the County.
  - b) Whether the wastewater causes a discoloration, foam, floating oil or grease, or any other condition in the quality of the County treatment systems effluent such that receiving water quality requirements established by law cannot be met.
  - c) Whether the wastewater causes conditions at or near the County system which violate any statute, rule, or regulation of any public agency of the state or the United States.
  - d) Whether the wastewater contains any element or compound known to act as a lacrimator, known to cause nausea, or known to cause severe odors constituting a public nuisance.

- e) Whether the wastewater causes interference with the effluent or any other product of the treatment process such as residues, sludges or scums, rendering them unsuitable for reclamation or reuse.
  - f) Whether the wastewater has constituents and concentrations in excess of those listed herein.
  - g) Whether the wastewater has a higher than normal COD (500 mg/l), BOD (250 mg/l), and/or TSS (300 mg/l) and will be subject to an extra-strength surcharge.
- 2) The County shall establish reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonably necessary to achieve the purpose and policy of this chapter.
- C. National Categorical Pretreatment Standards. Certain users are now or hereafter may become subject to National Categorical Pretreatment Standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the County system. All users subject to a National Categorical Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any limitations contained in this chapter. Where duplication of the same pollutant exists, the limitations which are more stringent shall prevail. Compliance with National Categorical Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standards. Compliance with National Categorical Pretreatment Standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable National Categorical Pretreatment Standard, no user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.
- D. Prohibitions of drainage or groundwaters.
- 1) Stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage or yard drainage shall not be discharged to the County system unless a storm sewer or other reasonable alternative for removal of the drainage does not exist, and then only when the discharge is approved by the County.
  - 2) Clean-up waters from groundwater remediation sites or other nonstandard industrial permitted sources will normally not be accepted into the County system. Exceptions will be considered on a case-by-case basis where a reasonable alternative for discharge does not exist, and then only when the discharge is approved by the County.
  - 3) Any entity requesting a discharge of remediation water or any other nonstandard industrial permitted discharge shall prepare a detailed proposal describing the proposed discharge's characteristics, including, but not limited to, toxicity, biotreatability, analysis of alternatives, hazardous nature, quantity, duration, pass-through potential, County system biological inhibition potential and any other factors deemed appropriate by the County.

- 4) The County reserves the right, if the discharge is approved, to impose monitoring and analysis requirements on the entity making the discharge request, which can include testing the discharge waters and the County system influent, effluent and sludge. The County reserves the right to deny any discharge request or to deny the continuation of a discharge previously approved if, in the judgment of the County, the continuance of the discharge is not desirable.
- E. Septic tank or chemical toilet discharges. No user owning vacuum or cesspool-type pumping trucks or other liquid waste transport trucks shall discharge such waste into the County system without prior approval from the County.
- F. Other holding tank waste. No user shall discharge any other holding tank or trap waste, including grit, grease, or hauled industrial wastes, into the County system without prior approval from the County.
- G. Limitations on pollutant concentration. Based on the development of technically based local discharge limitations, and latest revisions, no user shall discharge wastewater into the wastewater system in excess of the concentration as set forth by the County's permit requirements for discharge or 40 CFR 403.
- H. Pretreatment of wastewater.
  - 1) Pretreatment required. A user generating wastewater containing waste prohibited from discharge to the County system by this section and who desires to discharge the same to the County system shall pretreat or otherwise dispose of the prohibited waste so as to make the wastewater discharged to the County system conform to the discharge standards, limits, requirements, and conditions established in this chapter.
  - 2) Pretreatment facilities. The user shall provide wastewater pretreatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this chapter as specified by the EPA, the state, local limits, or the County, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be prepared by an engineer and submitted to the County for review, and shall be acceptable to the County before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the County under the provisions of this chapter.
  - 3) Additional pretreatment measures.
    - a) The County may require users to restrict discharge during peak flow periods, designate that certain wastewater be discharged only into specific locations, relocate and/or consolidate points of discharge, separate wastewater streams from industrial wastewater streams, and impose such other conditions as may be necessary to protect the County system and determine the user's compliance with the requirements of this chapter.
    - b) The County may require any user discharging into the County system to install and maintain, on their own property and at their own

expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit, as described in Rule 24, may be issued solely for flow equalization.

- c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- I. Oil and grease discharge limitations. The County shall monitor wastewater discharge permit holders, automotive shops, vehicle fueling stations, septic tank pumpers, commercial food processors, oil tank firms and transporters, and others as appropriate. Existing sources must maintain their traps and separation-treatment systems to ensure that grease and oil do not enter the County system. Dischargers shall be subject to monitoring, inspection, reporting and other requirements as determined by the County in its discretion. These dischargers may not be required by the County to apply for wastewater discharge permits unless the County determines in its discretion that they are a significant source of prohibited pollutants, toxic pollutants in toxic amounts, extra-strength discharges, or are otherwise controlled by federal regulations. Dischargers not in compliance shall also be subject to operation and maintenance costs necessitated by the oil and grease problem until the problem is corrected.
- J. Surcharges.
  - 1) A surcharge will be assessed against any user who discharges wastewater which is of greater strength than normal, or of greater strength than allowed by permit, if applicable. Normal untreated wastewater is defined as:
    - a) Chemical oxygen demand (COD) less than or equal to 500 mg/l; or
    - b) Biochemical oxygen demand (BOD) less than or equal to 250 mg/l; and
    - c) Total suspended solids (TSS) less than or equal to 300 mg/l.
  - 2) Users with discharge exceeding the parameters defined above for normal untreated wastewater may be assessed a monthly surcharge, which shall be computed as provided for in Rate Schedule 3. *Editor's Note: See Art. III, § 319-48.*
- K. Pretreatment charges. The County may adopt reasonable charges for reimbursement of costs of setting up and operating the County pretreatment program, which may include:
  - 1) Charges for the wastewater discharge permit process as described in Rule 24. *Editor's Note: See § 319-43.*
  - 2) Charges for monitoring, inspection, and surveillance, including costs of sampling and analysis of user's discharge and reviewing monitoring reports submitted by users.
  - 3) Charges for reviewing and responding to accidental discharge procedures and construction.
  - 4) Other charges as the County may deem necessary to carry out the requirements contained in this chapter. These charges relate solely to the matters covered by this chapter and are separate from all other charges, fines, and penalties chargeable by the County.

## § 319-42. Rule 23: Traps.

- A. Grease, oil and sand traps shall be provided and properly maintained by the user when, in the opinion of the County, 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. Grease and oil traps shall be installed in all new service stations, garages, restaurants, and other new facilities wherein heavy discharge of grease and oil is to be expected. The user shall clean and maintain traps for proper functioning.
- B. Manufactured traps acceptable to the County and properly sized may be used in lieu of on-site construction. Where possible, the trap shall be installed outside the building.
- C. The County Utilities Department has design specifications for approved traps available for its customers.

## § 319-42. Rule 24: Wastewater Discharge Permits.

- A. Applicability. Any user who meets any of the following criteria shall be required to have a wastewater discharge permit:
  - 1) Users who are subject to or who become subject to a Categorical Pretreatment Standard as that term is defined in 40 CFR 403.3(j), whether or not the user discharges directly into the County system or by way of an intermediate system;
  - 2) Process wastewater flow greater than 25,000 gallons per day; or
  - 3) Those engaging in activity which:
    - a) Results in effluent exceeding or with high potential to exceed the specific maximum concentration of parameters specified in the County systems' discharge permits; and
    - b) In the judgment of the County, is on a site whose use is in an industrial class or category which may supply an appreciable contribution of pollutants to the County system.
- B. For purposes of this rule, when the context so indicates, the phrase "pretreatment standard" shall include either a National Categorical Pretreatment Standard or a pretreatment standard imposed as a result of the user's discharging any pollutant regulated by this chapter. For purposes of this rule, the term "pollutant" shall include any pollutant identified in a National Categorical Pretreatment Standard or any pollutant identified in the County system's discharge permits.
- C. Any users who are subject to or become subject to pretreatment requirements as defined in 40 CFR 403.3(j) must comply not only with the requirements of this chapter but also requirements of the NMED, EPA or as described in 40 CFR 403.  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- D. Application for wastewater discharge permit. Subject users shall obtain applications from the County. Variances shall not be granted except as allowed by the EPA under 40 CFR 403.13 for categorical industries, and provided such variances allowed by the EPA do not exceed the discharge limits established by this chapter.

The user shall submit to the County revised plans whenever alterations or additions to the user's premises affect points of discharge to the County system. All applications shall conform to requirements set forth in 40 CFR 403.12, to include the following information:

- 1) The name and address of the user. If the user is a partnership or proprietorship, the names of all partners or proprietors must be submitted to the County along with the name of the authorized representative.
  - 2) The location of such user.
  - 3) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the County system.
  - 4) The average and maximum flow of the discharge from such user to the County system, in gallons per day.
  - 5) A site plan with sufficient detail to show all connections with County water and wastewater lines and the applicant's proposed location of a manhole or sanitary cleanout. Detailed plumbing plans shall be maintained on the user's premises and made available for inspection upon request.
  - 6) The nature and concentration of pollutants in the discharge from each regulated process from such user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard. If an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the County for approval.
  - 7) A statement, approved by an authorized representative of the user and certified by an engineer, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the user to meet the pretreatment standards and requirements.
  - 8) If additional pretreatment or operation and maintenance procedures will be required to meet the pretreatment standards, then the applicant shall provide a schedule by which the user will provide such additional pretreatment.
- E. Incomplete applications. The County will act only on complete applications. Users who have filed incomplete applications will be notified by the County of the nature of the deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days, the County may deny the application for a wastewater discharge permit and notify the applicant in writing of such action.
- F. Evaluation of applications.
- 1) Within 45 days of receipt of complete applications, including revisions to previously approved applications, the County shall review and evaluate the applications and may propose such other special wastewater discharge permit conditions deemed advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this chapter and all other applicable ordinances, laws, or regulations.

- 2) The County may also propose that the wastewater discharge permit be subject to one or more permit conditions in regard to any of the following:
    - a) Pretreatment requirements.
    - b) The average and maximum wastewater constituents and characteristics.
    - c) Limits on rate and time of discharge or requirements for flow regulations and equalization.
    - d) Requirements for installation of manhole(s), sanitary cleanout(s), and appurtenance(s).
    - e) Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, types and standards for tests and reporting schedule.
    - f) Requirements for submission of technical reports or discharge reports.
    - g) Requirements for maintaining records relating to wastewater discharge.
    - h) A reasonable schedule in compliance with this chapter, not to extend beyond or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the user's compliance with pretreatment requirements or improved methods of operation and maintenance.
    - i) Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises.
    - j) Other special conditions deemed appropriate by the County to ensure compliance with this chapter.
  - 3) The County may deny any application for a discharge permit.
- G. Notification of proposed permit conditions; right to object.
- 1) Upon completion of evaluation, the County shall prepare and transmit a discharge permit and notify the applicant of any permit conditions which the County proposes.
  - 2) The applicant shall have 30 days from the date of issue of the wastewater discharge permit to file written objections with the County to any permit conditions that are more stringent than pretreatment standards or limitations in this chapter or are otherwise not listed in either. The County shall initiate a response (verbal or written) within 30 days following receipt of the applicant's written objections, and attempt to resolve disputed issues concerning permit conditions.
  - 3) If the applicant files no written objection to the permit it shall remain in effect. If a subsequent agreement is reached concerning changes in permit conditions, the County shall modify the wastewater discharge permit for the applicant with such conditions incorporated. In the event objections are filed by the applicant and there is no mutually accepted resolution of such objections, the County shall issue a final determination on the requirements of the wastewater discharge permit.
- H. Monitoring and reporting requirements.
- 1) Monitoring and reporting submitted under this section shall be in accordance with 40 CFR 403.12.
  - 2) Notice of violation; repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the County within 24 hours of

becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the County within 30 days.

- 3) Analytical requirements. Test procedures for measurements of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance and pretreatment standards must be employed as stated in 40 CFR Part 136 unless specifically noted. For other sampling or analytical techniques not included in 40 CFR Part 136, sampling and analyses must be performed in accordance with procedures approved by the EPA.
  - 4) The reports required shall contain the results of sampling and analysis of the discharge, including the nature and concentration of the flow, or production and mass limits, where required, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the EPA under the provisions of Section 304(h) of the Act [33 U.S.C. 1314(h)] and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA or the County. Sampling shall be performed in accordance with the techniques approved by the EPA, or the County. If a user monitors any pollutant more frequently than required by the County, the results of this monitoring shall be included in the report.
- I. Notification of the discharge of hazardous waste. Any user who commences the discharge of hazardous waste shall notify the County, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the County system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). All notifications must take place no later than 180 days after the discharge commences. Any notifications under this subsection need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical or ordinance pretreatment standards under any self-monitoring requirements.
  - J. Maintenance of records.
    - 1) Any user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include:
      - a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
      - b) The dates analyses were performed;
      - c) Who performed the analyses;
      - d) The analytical techniques/methods used; and
      - e) The results of such analyses.
    - 2) Any user subject to the reporting requirement established shall be required to retain for a minimum of three years any records of monitoring activities and

results and shall make such records available for inspection and copying by the County, New Mexico Environment Department, or the EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the user or when requested by the County, New Mexico Environment Department, or the EPA.

- K. Duration of wastewater discharge permit. Wastewater discharge permits shall be issued for a maximum period of five years. Notwithstanding the foregoing, users becoming subject to a National Categorical Pretreatment Standard shall apply for new permits on the effective date of such National Categorical Pretreatment Standard. The County shall notify in writing any user whom it has cause to believe is subject to a National Categorical Pretreatment Standard of the promulgation of such federal regulations; provided that any failure of the County in this regard shall not relieve the user of the duty of complying with such National Categorical Pretreatment Standard. A user must apply in writing for a renewal of the wastewater discharge permit within not more than 90 days and not less than 30 days prior to expiration of the current permit. Limitations or conditions of a wastewater discharge permit are subject to modification or change as such changes may become necessary due to changes in applicable standard(s), in the County's permit, in other applicable law or regulation, or for other just cause. Should such changes be necessary, a new permit will be issued which shall supersede the previous permit and be subject to the same thirty-day opportunity for comment. Any change or new condition in a permit shall include a schedule for compliance. The user may appeal the decision of the County in regard to any changed permit conditions as provided in this chapter.
- L. Reports of changed conditions. Each user must notify the County of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.
- 1) The County may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
  - 2) The County may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
  - 3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.
- M. Modifications. The County may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- 1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
  - 2) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
  - 3) A change in the County system that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - 4) Information indicating that the permitted discharge poses a threat to operation and maintenance personnel, or the receiving waters;

- 5) Violation of any terms or conditions of the wastewater discharge permit;
  - 6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in the required reporting; and
  - 7) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- N. Transfer of permit. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days' advance notice to the County, and the County approves the wastewater discharge permit transfer.
- 1) The notice to the County must include a written certification by the new owner or operator which:
    - a) States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
    - b) Identifies the specific date on which the transfer is to occur; and
    - c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
  - 2) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.
- O. Revocation of permit. Any permit issued under the provisions of this chapter is subject to being suspended or revoked in whole or in part by the County during its term for cause, including, but not limited to, the following:
- 1) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;
  - 2) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts;
  - 3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - 4) Failing to meet new National Categorical Pretreatment Standards; or
  - 5) Violation of any provision of this chapter.
- P. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in § 319-15 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.