Albuquerque Bernalillo County
Water Utility Authority

Agenda Item No. 9a

Meeting Date: January 29, 2014
Staff Contact: Mark Kelly, Industrial Waste Engineer

TITLE: O-13-3 - Approving an Amendment to the Sewer Use and Wastewater Control Ordinance

ACTION: Recommend Approval

SUMMARY:
The Albuquerque Bernalillo County Water Utility Authority (Water Authority) was required as a condition of the National Pollutant Discharge Elimination System (NPDES) permit which became effective in October 2012 to submit a revised Sewer Use and Wastewater Control Ordinance (SUO) to the Environmental Protection Agency (EPA) within one year. On September 27, 2013 the Water Authority submitted to EPA the revised SUO in addition to the updates of the Enforcement Response Plan (ERP), Fats, Oils and Grease (FOG) policy, and the Local Limits Technical Analysis Report. All of these documents are provided for review and reference.

Sewer Use Ordinance (SUO)

The SUO sets limits and prohibitions for pollutants that are discharged to the sanitary sewer, in order to protect the sewer collection system, the Southside Water Reclamation Plant (SWRP), Water Authority staff and the Rio Grande. When potential violations of the SUO occur, there is a process for issuing notices of violation and the opportunity to work with the discharger to bring them back into compliance. Administrative assessments are proposed for each violation and will be enforced consistent with the Enforcement Response Plan.

Fats, Oils and Grease (FOG) Policy

The FOG policy sets standards and goals for reducing the number of Sanitary Sewer Overflows (SSOs). It outlines the Water Authority's process for inspecting grease removal systems, finding new food service establishments and what is expected of food service establishment owners, including best management practices, which can be enforced. The FOG policy also explains what constitutes a functional grease removal system.

Previously the Ordinance and ERP focused on the permitted industrial users. The proposed Ordinance still covers the permitted industries but now specifically spells out FOG violations for not having and maintaining a grease removal system, and expanded Hauled Wastewater requirements.

Enforcement Response Plan (ERP)

The Enforcement Response Plan is how the Pretreatment Program deals with violations of wastewater discharge permits and the SUO. Both are heavily modified, as the last major changes occurred in 2005.

The ERP has changed to incorporate permit violations, FOG violations, Hauled Waste violations, and dental violations. The costs for being out of compliance have increased across the board. The proposed ERP includes charging users for the monitoring costs for each violation and administrative assessments for all violations. Previously charges were only applied if an industry failed a return to compliance monitoring event. There will be no monitoring costs or administrative assessments for users that are in compliance.

Parties Affected by the new SUO Ordinance

The proposed changes will affect industrial permit holders, restaurants, septage haulers, and dentists. The industrial permittee and septage haulers will have to meet lower local limits for pollutants that they discharge to the sewer, which may require changes or additions of a pretreatment system. There are proposed caps on extra strength wastewater pollutants that were previously only surcharged. Some permittee that are currently paying large surcharges may find it hard to keep under the new limits.

Restaurants and food service establishments will be affected because they must not only have a grease removal system, but will be required to maintain it and clean it regularly. Violations and administrative assessments for having an overfilled grease removal system will be administered. Similar requirements for overfilled mercury amalgam separators will be required for dental offices. Both dental offices and food service establishments will be required to keep documentation of when they clean their amalgam separator or grease removal system.

Public Process

The Water Authority initiated a public process to solicit comments and input related to the ordinance and policy changes. There were specific meetings held with affected industries and also septage haulers. In addition, a separate presentation was made to the New Mexico Dental Association about the proposed changes and to update them on compliance with the changes made in 2010. The New Mexico Restaurant Association was asked if they would like to hold a separate meeting, but they preferred an electronic mailing to solicit comments.

Water Authority Compliance staff also met with the Customer Advisory Committee in January and March 2013 to provide a status report and obtain feedback on the proposed revisions to the SUO.

A public meeting was advertised in the Albuquerque Journal and held on July 25, 2013. The revised ordinance and policies were presented and feedback was obtained.

All of the comments were gathered and separated into various categories related to the Ordinance or policy changes. Responses to the comments were sent and changes were implemented based on the public input.

Effective Date

Staff is requesting that the effective date for implementation of the Ordinance be July 1, 2014. This additional time will allow us to obtain feedback from EPA upon completion of their review, continue the public involvement and notification process and to implement the necessary administrative policies and procedures.

Compliance Requirement

The Water Authority is required by EPA to revise the SUO, implement a FOG policy and revise the Technically Based Local Limits. These revisions are intended to comply with the utility's current NPDES permit to avoid potential compliance and enforcement actions by EPA.

FISCAL IMPACT:

With the current staff levels, it is not anticipated that additional administrative costs to the Water Authority to implement the Ordinance. For industries that remain in compliance, there will be no additional costs associated with implementation of the Ordinance. Some industries will be affected by the stricter local limits to comply with the new Technically Based Local Limits.

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY
FATS, OILS AND GREASE POLICY
SEPTEMBER 2013

I. Purpose

Fats, Oils, and Grease (FOG) are primarily generated from food service establishments (FSEs) and can cause blockages and overflows in the collection system. Any sanitary sewer overflow (SSO) is a violation of the Albuquerque Bernalillo County Water Utility Authority's (Water Authority) National Pollutant Discharge Elimination System (NPDES) permit (NM0022250). This policy has been developed to work in conjunction with the Water Authority Sewer Use and Wastewater Control Ordinance (Ordinance or SUO) to reduce the rate of SSOs in the collection system and decrease FOG loading at the Southside Water Reclamation Plant (SWRP). The purpose of this policy is to let FOG dischargers such as Food Service Establishments and waste haulers know what is expected of them, and to let the public know what the Water Authority is doing to mitigate FOG.

II. Legal Authority

Control of discharges into the collection system is part of a broader Pretreatment Program dedicated to regulate discharges of non-domestic wastes. The Water Authority's Pretreatment Program is required under the Clean Water Act and approved by the Environmental Protection Agency (EPA). In 2005, the Water Authority Board amended the Sewer Use and Wastewater Control Ordinance to require FSEs to install and maintain grease removal systems (GRSs). The Ordinance allows the Pretreatment Program to set Best Management Practices (BMPs). Not adhering to BMPs is a violation of the Ordinance which can be enforced according to the EPA approved Enforcement Response Plan (ERP). Compliance with all Water Authority Ordinances is a condition of service.

III. Process

To ensure compliance with the FOG requirements of the SUO, the Water Authority will:

1. Maintain a list of FSEs and periodically inspect to verify a GRS is installed and maintained.

2. Coordinate with others to search for new FSEs and add to the list of facilities to be inspected.

3. Maintain inspection data in an electronic database.

4. Take enforcement actions for violations of FOG requirements with priority on FSEs causing repeat SSO.

A process model is included as Attachment 1.

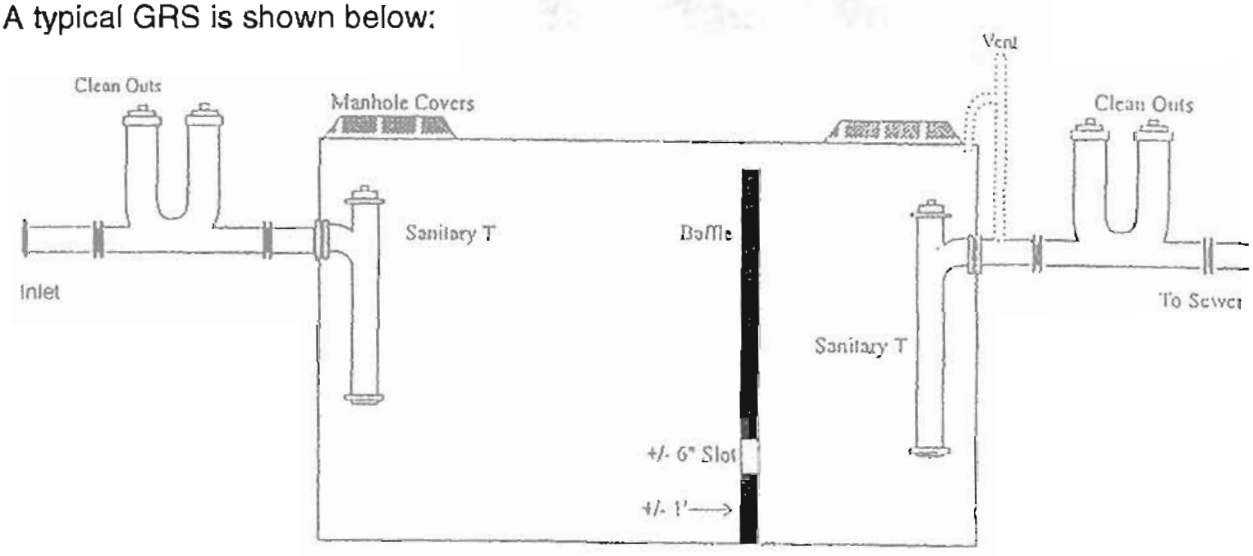
1. Specifications

All FSEs are required to install GRSs unless the Water Authority has issued an exemption. Exemptions may be given to any FSE that doesn't generate FOG (i.e. does *not wash dishes or food preparation equipment*).

If a GRS is required, all drains from the dishwashing areas shall be connected to the GRS to ensure proper grease handling and removal. Fixtures to be connected to a grease interceptor include, but are not limited to: scullery sinks, pot and pan sinks, mop sinks, dishwashing and sanitizing machines, soup kettles, hand sinks and floor drains located in areas where grease-containing materials may exist. Sanitary facilities such as bathrooms containing domestic waste shall not discharge to the GRS. Commercial dishwashers shall not be connected to a GRS.

All GRSs must be sized according to the plumbing code of the code enforcement authority, either the City of Albuquerque (COA) or Bernalillo County (BernCo). Grease Removal Systems must include a means of separating FOG from water. This includes but is not limited to baffle walls, inlet tees, and outlet tees. All tees and baffles shall be constructed of durable, non-flexing materials and securely attached to the sides of the GRS.

A typical GRS is shown below:



2. Maintenance and Recordkeeping

A. General

The Ordinance requires that the GRS be properly maintained. The FOG management equipment shall be continuously maintained in satisfactory and effective operation at the FSE owner's expense. Proper maintenance includes pumping before the total amount of floatable grease and solids constitute 25% of the vertical water column of the trap as measured in the field. Adequate maintenance also includes maintaining baffles and tees to prevent corrosion.

Any laboratory analysis of wastewater effluent from FOG management equipment in excess of the Ordinance limit for FOG will warrant increased frequency of cleaning of FOG maintenance equipment. Should any FSE fail to meet the limit for FOG within the wastewater effluent (200 mg/L) or be identified as a potential source of repeated grease buildup within the wastewater collection system, the Water Authority may require the FSE to replace any or all FOG management equipment. The Water Authority may also set mandatory pumping frequencies. If FOG management equipment is not currently in use, the Water Authority may require the installation of FOG management equipment to comply with Water Authority FOG wastewater limits.

All maintenance and pumping activity records, including grease disposal manifests, on the GRS must be kept onsite for a period of three (3) years. Failure to keep manifests and other records onsite may result in a violation.

Chemical and/or biological additives that cause or could cause fats, oils, and/or grease fractions to be released from the FOG management equipment are not permitted without the written approval of the Water Authority. The Water Authority does not endorse chemical or biological treatment, as these materials could potentially cause accumulated FOG material to liquefy only to coagulate elsewhere in the wastewater collection system.

Heat should not be used to liquefy FOG.

B. Self-Cleaners

For FSEs with GRSs retaining 40 gallons or less, the owners or operators may clean their own small GRS. All GRSs retaining more than 40 gallons should be cleaned by pumping companies. To properly self-clean a GRS, the FSE must:

1. Remove all floatable solids and place in the trash.

2. Pump the water in the trap using a shop vacuum or similar device.

3. Remove the solids at the bottom and place in the trash.

4. Pump the water from the shop vacuum back through the interceptor.

The FSE management should keep a log of self-cleaning activities that includes date, time, and the initials of the person performing cleaning. During cleaning, FSE management should evaluate and note on the log the condition of the trap, including corrosion and the functionality of the major parts. The cleaning log for the past three (3) years shall be kept onsite.

3. Best Management Practices

In order to reduce FOG entering the sanitary sewer, FSEs are required to implement the following BMPs:

1. Completely pump-out or self-clean the GRS at least every six (6) months or when the vertical column of floating grease and solids is greater than 25% of the height of the water in the trap.

2. Periodically inspect GRSs and make repairs to tees and baffles.

3. Scrape plates and receptacles into the trash prior to washing rather than washing solid grease and food down the drain.

4. Dispose of any spilled or waste food material into the trash.

5. Eliminate the use of emulsifying additives such as degreasers and enzymes in the GRS or grease interceptor. Although emulsifying agents may serve to keep interior drain lines open, the oil and grease problem is simply transferred to the mainline.

6. Pour all liquid oil and grease into a grease waste container where it can be recycled or disposed of properly.

7. Capture oil and grease wastes from cleaning of mats and ventilation/exhaust hoods. Dispose of these wastes in the trash or waste oil container.

8. Use screens over drains to capture waste food materials. Dispose of this waste in the trash.

9. Disconnect garbage disposals.

10. If a dishwasher is present, use it only for sanitizing purposes. The dishwasher must bypass the GRS and flow directly to the wastewater mainline.

11. Observe the pumping contractor to ensure the GRS is properly cleaned and pumped.

12. Maintain accessibility to the GRS. Do not landscape or pave over the lids to the GRS. Kitchen equipment should not be placed so as to obstruct the inspection of interior GRSs. FSEs must provide the necessary equipment such as wrenches, pull bars, and screwdrivers to inspect the GRS.

13. For small, interior GRSs, permanently install a properly sized flow restrictor and air relief valve on the incoming plumbing to the GRS. The restrictor maintains an acceptable flow of wastewater to the trap. The air valve aids in grease and oil removal.

4. Pumper Requirements

A. Complete Evacuation

Companies that pump GRSs are required to completely remove the entire contents of the GRS. All manholes and lids must be removed and all chambers of the GRS must be pumped. Decanting or discharging of removed wastewater and/or associated material back into a GRS or other part of the collection system is prohibited.

B. Manifests

Pumping companies must provide FSEs with manifests. Manifests must contain pertinent pump out information such as date, time, volume pumped, and general condition of GRS.

C. Prohibitions

All companies that pump GRS wastes must dispose of the pumped waste in accordance with the Ordinance.

The SWRP will not accept loads that contain unprocessed GRS waste. Blending GRS wastes with a load of septage is not allowed, and is a violation of the Hauled Wastewater Discharge Permit. GRS waste that has been processed to remove Oil and Grease may be discharged as long as the levels of Oil and Grease are below the limits specified in the Ordinance. Discharges of FOG above the specified limits in the Ordinance will be violations. Pumping companies that violate the Ordinance via concentration limits or by discharging unprocessed

GRS waste will be subject to enforcement. Enforcement actions will be according to the EPA approved Enforcement Response Plan and may include fees and/or revocation of hauled waste discharge permit.

All trucks may be inspected and monitored at any time on Water Authority property.

5. Inspections

Water Authority Pretreatment staff will routinely perform FOG inspections at FSEs. These inspections may be assigned or the result of an SSO. Most inspections will be conducted by Monitoring Technicians. The Monitoring Technicians are New Mexico Wastewater Operator Level III. The Water Authority will endeavor to inspect each FSE a minimum of once every three (3) years or less.

Inspectors will determine if FSEs meet the requirements of the Sewer Use and Wastewater Control Ordinance as well as this policy. Technicians will note the presence and size of the GRS, the condition of the interior of the GRS, and whether the trap is overloaded. If the GRS is overloaded, the Technician will use a "sludge judge" or other tool to assess the amount of floatable grease/sand/solids in the GRS. The Technician will examine manifests of GRS pumping and determine if the pumping frequency is adequate for the amount of grease in the interceptor. If the Technician suspects that the correct plumbing fixtures are not connected to a grease interceptor, the Technician may perform a dye test. Typically, BMP informative flyers are handed out to FSE managers at the end of each inspection.

Typically, FOG inspections will not take place during the lunch hours of 11:00am – 1:30pm or dinner hours of 5:30pm – 7:00pm, however unobtrusive observation of BMPs may occur at any time.

The Water Authority, at any time, may take grab samples and conduct laboratory analysis of the wastewater discharged from any FOG management equipment to assure compliance with Water Authority local limits for FOG in wastewater (200 mg/L). Water Authority staff may visually inspect wastewater within a manhole or wastewater pipe to determine the need for increased frequency of cleaning of the GRS.

6. Enforcement

A. Fats, Oils, and Grease Violations

Failure by a FSE to install an adequately sized GRS is considered a violation of the SUO. After becoming aware of a violation, the Industrial Pretreatment Engineer will issue a written Notice of Violation (NOV) via certified letter 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 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.

Grease Removal Systems must be cleaned at least once every six (6) 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 (25 Percent Rule). Failure to clean the GRS at least every six (6) months or when required by the 25 Percent Rule is a violation. Failure by a FSE to maintain a GRS is a violation of the SUO. 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, manifests or other proof that the GRS has been cleaned.

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 FSE's water bill each month until a compliance schedule is submitted, or the GRS is pumped. 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 or sewer service may be terminated.

B. Hauled Wastewater Violations

Within five (5) days of becoming aware of a violation of the hauled wastewater provisions of the SUO, the Industrial Pretreatment Engineer will issue a written NOV describing the violation and the actions required of the Hauler as a result of the violation. The NOV will require the Hauler to submit, within 15 days of receipt of the notice, details of the cause of the violation and what action has been or will be taken to correct the problem.

If the corrective actions are adequate, the Industrial Pretreatment Engineer will notify the Hauler in writing that the NOV is closed. If no reply is received or corrective actions are not adequate, the Industrial Pretreatment Engineer will assess administrative fees according to the Enforcement Response Plan.

Multiple violations by a single hauler or hauler company will result in increased enforcement measures.

The Water Authority will charge Haulers to recover actual expenses incurred by the Water Authority as a result of discharge violations. In addition, Administrative Assessments may be imposed for excessive or frequent violations in proportion

to the magnitude and duration of the violations. The schedule of assessments used will be the same as those used for industrial discharge violations.

The Hauler will be required to reimburse the Water Authority for all costs associated with discharge violations including but not limited to sample collection, materials, and analysis required. Multiple violations by a single hauler or hauler company may result in an increasing schedule of Administrative Assessments.

7. Sanitary Sewer Overflows

Pretreatment Program staff coordinates with the Water Authority Collections Section to reduce SSOs. All SSOs are reported to the Collections Section via Water Authority dispatch or Water Control Center. A crew is then dispatched to the SSO for cleanup and remediation. The Collections staff fills out a Conditions Report and Corrective Maintenance report. If grease is noted in large quantities during cleaning, the Collection supervisor will typically notify the Pretreatment Program. Collections staff will also notify the Pretreatment Program of large grease deposits encountered during closed-circuit television inspection of wastewater lines.

After being notified by the Collections Section of a grease-caused SSO, the Pretreatment Program begins an investigation. The investigation involves visiting FSEs in the area and inspecting GRSs and manifests. Pretreatment may also request additional closed-circuit television inspection of the line to help determine a cause. If a violation is noted, a NOV will be prepared. FSEs will be billed for the cost of the cleanup as well as other fines if it is found that they have contributed to a SSO. If a grease-caused overflow occurs in a primarily residential area, leaflets will be distributed to homes informing them of BMPs to prevent grease from entering the drain.

The Pretreatment Program and the Collections Section have formed a study team to investigate SSOs. The mission statement of the SSO study team is:

> "The SSO Team will work interdepartmentally to study, analyze, and determine causes of previous SSOs to mitigate future SSOs in our Collection System."

Findings of the SSO study team will be used to target enforcement of FSEs. Locations with repeat SSOs will be identified by the team and investigated.

XI. Identifying New Sources

The Pretreatment Program keeps track of FSEs in a dedicated database called LinkoFOG. As new restaurants open, critical information is input into LinkoFOG. The Pretreatment Program will update the LinkoFOG database with new FSE information on an annual basis.

The Water Authority will set-up a task force which will be compromised of representatives of the Pretreatment Program, Water Authority Collections Section, COA Environmental Health, COA Planning and Coding, BernCo Environmental Health, BernCo Planning and Coding, the Village of Los Ranchos, the Village of Corrales, Kirtland Air Force Base, local plumbers union, and the New Mexico Restaurant Association. The task force will enable all parties to comment on FOG related issues and to help reduce SSOs. The task force will meet semiannually.

A. City of Albuquerque

The Pretreatment Program will access business licenses issued to new FSEs by contacting the Planning Department of the COA on a regular basis. The COA Environmental Health Department performs inspections of FSEs, and is a good resource to find FSEs that have recently opened.

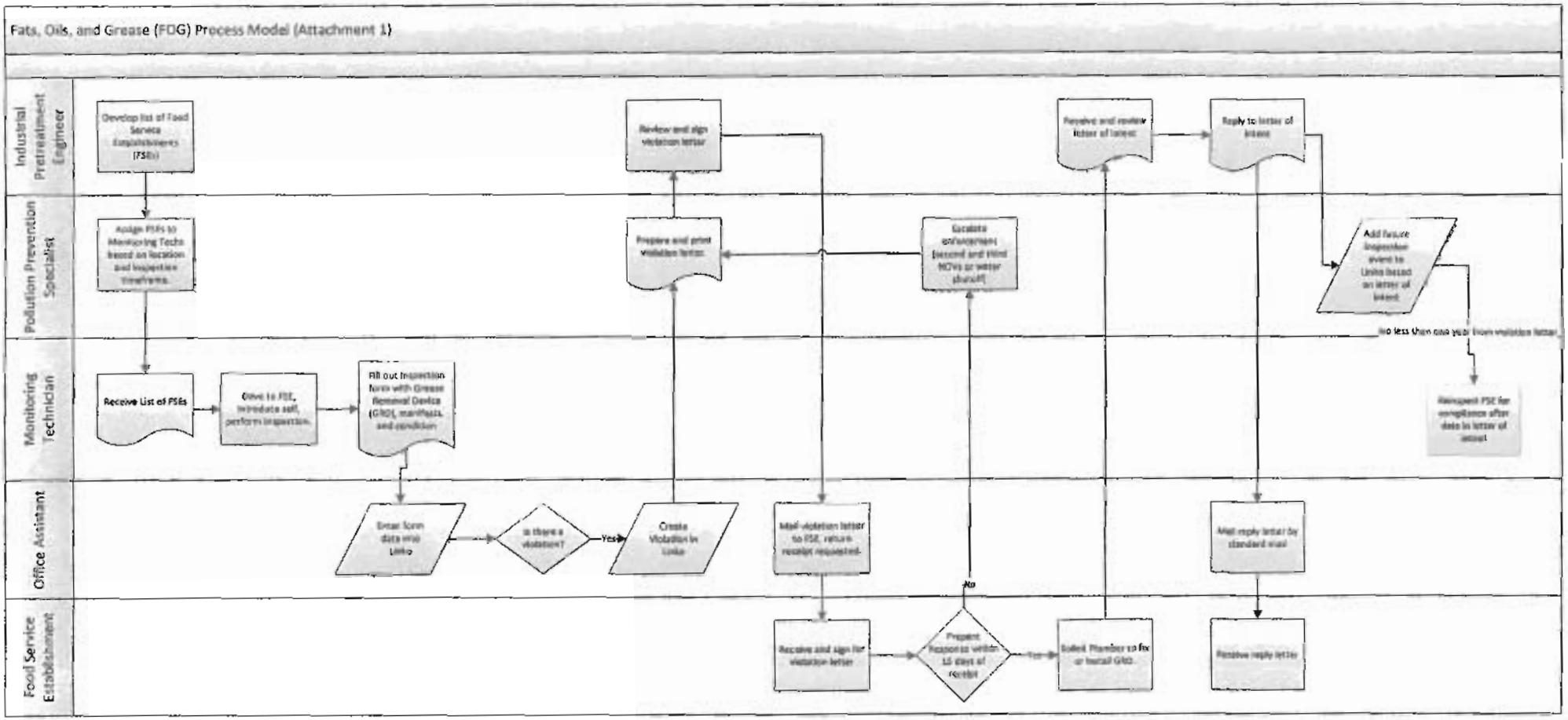
B. Bernalillo County

Similar to the COA, the Pretreatment Program will contact the Bernalillo County Zoning, Building, Planning & Environmental Health Departments to obtain data on new FSEs that are outside of the COA but still within the Water Authority's service area.

C. Internal Resources

When a new water account is opened or when an account is transferred to a new business, the Customer Services Division will check to see if the new business is a FSE. If so, an email will be sent to the Pretreatment Program.

During the course of routine FSE inspections, Water Authority Technicians may notice new FSEs. When this occurs, the Technician performs an inspection at the FSE. When the inspection data is entered into LinkoFOG, the new businesses information is also added.


Fats, Oils, and Grease (FOG) Process Model (Attachment 1)
Industrial Pretreatment Engineer
Pollution Prevention Specialist
Monitoring Technician
Office Assistant
Food Service Establishment
Develop list of Food Service Establishments (FSEs)
Assign FSEs to Monitoring Techs based on location and inspection timeframe.
Receive List of FSEs
Drive to FSE, introduce self, perform inspection.
Fill out inspection form with Grease Removal Device (GRD), manifests, and condition
Enter form data into Linko
Is there a violation?
Yes
Create Violation in Linko
Prepare and print violation letter
Review and sign violation letter
Mail violation letter to FSE, return receipt requested.
Receive and sign for violation letter
Prepare Response within 15 days of receipt
No
Calculate enforcement (second and third NOVs or water shutoff)
Called Plumber to fix or Install GRD
Receive and review letter of intent
Reply to letter of intent
Mail reply letter by standard mail
Receive reply letter
Add future inspection event to Linko based on letter of intent
no less than one year from violation letter
Reinspect FSE for compliance after date in letter of intent

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY
INDUSTRIAL PRETREATMENT PROGRAM
ENFORCEMENT RESPONSE PLAN
September 27, 2013

A. AUTHORITY

The Authority of the Industrial Pretreatment Engineer to enforce all sections of the Sewer Use and Wastewater Control Ordinance (the Ordinance) is described in Section 3-1-5 of the Ordinance. The Enforcement Response Plan (ERP) was developed as required by the Albuquerque Bernalillo County Water Utility Authority (Water Authority) Southside Water Reclamation Plant (SWRP) National Pollutant Discharge Elimination System (NPDES) permit and 40 CFR 403.8(f)(5). The Water Authority Water and Sewer Rate Ordinance specifies penalties for noncompliance with the Sewer Use and Wastewater Control Ordinance.

B. PURPOSE AND INTENT

The purpose of the ERP is to establish a system of escalating enforcement responses to all identified instances of noncompliance with the Ordinance and the Wastewater Discharge Permits issued by the Water Authority. It is also to assure equitable and consistent enforcement of the Ordinance and Wastewater Discharge Permits for all Users of the wastewater system.

The fundamental concepts of the ERP are:

1) Users, Food Service Establishments, and Hauled Waste permit holders should be aware of the requirements of the Ordinance and their discharge permits;

2) 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 Water Authority to monitor all Users on a daily basis, Users should have on-going self-monitoring programs to assure that process performance is in compliance with their discharge permits and the Ordinance 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 intent of the ERP is to encourage complete and consistent compliance with the Ordinance 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 of the ERP is to encourage rapid and effective return to compliance when noncompliance or deficiencies occur. Any fees to the User for a violation can be minimized by quickly identifying and permanently correcting the cause of the noncompliance.

The ERP defines the range of appropriate enforcement actions based upon the nature and severity of the violation and other relevant factors. To determine the enforcement response, the Water Authority 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 Notices of Violation (NOVs) have not previously succeeded in returning the User to compliance, an administrative order is the more appropriate response)
- Violation's effect on the receiving water
- Violation's effect on the POTW and NPDES Permit, including biosolids
- Violation's effect on the Collection System
- Violation's effect on Water Authority employee health and safety

C. DETERMINING COMPLIANCE AND NONCOMPLIANCE

Procedures used to determine compliance and noncompliance are based upon inspections and monitoring described in the Industrial Pretreatment Program (IPP) documentation and 40 CFR 403. Every instance of noncompliance will be investigated.

D. INVESTIGATION OF INSTANCES OF NONCOMPLIANCE

Procedures used to investigate instances of noncompliance are described in the IPP. Every instance of noncompliance will be evaluated by the Industrial Pretreatment Engineer to determine if it constitutes a violation of the Ordinance and/or the User's Wastewater Discharge Permit.

E. DISCHARGE VIOLATIONS

1. Routine Water Authority Monitoring

The Water Authority Industrial Pretreatment Program 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 Water Authority 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.

2. Violations Detected During Routine Water Authority Monitoring

a. General

Generally within five (5) days of becoming aware of a violation, the Industrial Pretreatment Engineer will issue a written NOV describing the violation and the actions required of the User as a result of the violation. Concurrent with the preparation of the written formal notice, the Industrial Pretreatment Engineer will notify the User by telephone. The NOV will require the User to submit, within 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 timeframe in the compliance schedule does not appear to be reasonable, the Industrial Pretreatment Engineer will set an acceptable return to compliance date.

If the return to compliance date identified by the User is more than 30 days after the date the IPP becomes aware of the violation, the Industrial Pretreatment Engineer 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 Water Authority from monitoring on a more frequent basis.

When a return to compliance date has been established, the Industrial Pretreatment Engineer 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 Industrial Pretreatment Engineer to be representative to document a return to compliance.

If return to compliance monitoring demonstrates that the discharge is in compliance and all fees have been paid, the Industrial Pretreatment Engineer will notify the User, in writing, that the compliance schedule has been met and that the NOV is closed.

b. pH

(i) 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 the Industrial Pretreatment Engineer. 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 Water Authority 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 a case-by-case basis much like a spill or accidental discharge of any other pollutant.

(ii) 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, the Industrial Pretreatment Engineer will issue an NOV for such violations with the same requirements as for other discharge violations.

3. Single vs. Multiple Violations

a. 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 ERP.

b. pH

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.

4. Recovery of Costs and Administrative Assessments

a. **General**

The Water Authority will bill Users to recover actual expenses incurred by the Water Authority 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 Attachment A.

b. pH

Administrative Assessments will be imposed for pH violations to recover costs of damages or repairs to the POTW, including the collection system.

5. 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 Industrial Pretreatment Engineer 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 in Section E.4.a.

At the end of the compliance schedule, the Industrial Pretreatment Engineer 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 Industrial Pretreatment Engineer 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 Industrial Pretreatment Engineer may require collection and analysis of additional interim samples. The User may be required to reimburse the Water Authority for all costs as described in section E.4.a.

6. 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.

Magnitude of Violation	Percentage of Sample Results in Violation in a 6-Month Period
100% < Result ≤ 120% of Limit	66%
120% < Result	33%

F. 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 is considered a violation. 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 Pretreatment Program 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 five (5) days after the due date according to Attachment A.

Failure to submit reports required in compliance schedules within five (5) days of the due date will be considered significant noncompliance and will require public notification as described in section E.1.f.

2. Failure to Report Accidental or Slug Discharges

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

a. Immediately notify the Industrial Pretreatment Engineer via telephone 873-7047 (Monday - Friday, 8:00 - 5:00 pm) or SWRP plant control at 873-6917 (all other hours).
b. Submit a written notification within five (5) days to the Industrial Pretreatment Engineer.

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, revocation of the discharge permit or immediate termination of water and/or sewer service.

3. Falsification of Reports

Falsifying information on reports may result in civil action, 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 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 30 days after an intermediate milestone, the Industrial Pretreatment Engineer 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 deficiency noted during an inspection, the Industrial Pretreatment Engineer will notify the User in writing. The User will be given 15 days from the receipt of the Deficiency Notice to submit a compliance schedule detailing how and when each deficiency 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/monitoring, 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 POTW 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 Ordinance 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 Ordinance or federal regulations to be permitted, discharge of industrial wastewater without a permit is illegal. When the Industrial Pretreatment Engineer becomes aware of a discharge that may require a permit but has never been permitted, the Industrial Pretreatment Engineer will notify the industry in writing and require the industry to submit an application for a permit within 15 working days of receipt of the notice.

The Industrial Pretreatment Engineer may initiate wastewater sample collection immediately to determine the compliance status of any discharge. The Industrial Pretreatment Engineer will notify, in writing, the User of any monitoring results for consideration of appropriate pretreatment requirements. The Water Authority 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 15 working days of receipt of the notice, the Industrial Pretreatment Engineer 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. PERMIT RENEWAL

Discharge of wastewater after the expiration date of a discharge permit without a time extension granted by the Industrial Pretreatment Engineer 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 Industrial Pretreatment Engineer 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 IPP 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 in a timely fashion. 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) as determined by the applicable code authority is considered 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 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 Attachment A.

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 and/or sewer 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 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 Attachment A.

Grease Removal Systems must be cleaned at least once every six (6) 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 (25 Percent Rule). Failure to clean the GRS at least every six (6) months or when required by the 25 Percent Rule 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 15 days of receipt of the notice, manifests or other proof that the GRS has been cleaned. Failure to pump out a GRS within 15 days of receipt of the NOV is a violation and will incur an administrative assessment in the amount listed in Attachment A.

L. HAULED WASTEWATER VIOLATIONS

1. General

Within five (5) days of becoming aware of a violation, the Industrial Pretreatment Engineer will issue a written NOV describing the violation and the actions required of the Hauler as a result of the violation. The NOV will require the Hauler to submit, within 15 days of receipt of the notice, details of the cause of the violation and what action has been or will be taken to correct the problem.

If the corrective actions are appropriate, the Industrial Pretreatment Engineer will notify the Hauler in writing, that the NOV is closed.

Multiple violations by a single hauler or hauler company will result in increased enforcement measures.

2. Recovery of Costs and Administrative Assessments

The Water Authority will charge Haulers to recover actual expenses incurred by the Water Authority as a result of discharge violations. In addition, Administrative Assessments may be imposed for excessive or frequent violations in proportion to the magnitude and duration of the violations. The schedule of assessments used is specified in Attachment A.

Multiple violations by a single hauler or hauler company may result in an

increasing schedule of Administrative Assessments or revocation of permit.

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 Industrial Pretreatment Engineer 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 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 Attachment A.

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 and/or sewer 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 Industrial Pretreatment Engineer 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 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 30 days will incur an administrative assessment in the amount listed in Attachment A.

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 and/or sewer service may be terminated.

Attachment A
Schedule of Administrative Assessments

Discharge Violations for Permitted Users

Violation	Response
100% < Result ≤ 120% of Limit	NOV,$50 Administrative Assessment
121% < Result ≤ 150% of Limit	NOV,$75 Administrative Assessment
151% < Result ≤ 200% of Limit	NOV,$100 Administrative Assessment
201% < Result ≤ 500% of Limit	NOV,$300 Administrative Assessment
> 501% of Limit	NOV,$500 Administrative Assessment

After the first return-to-compliance monitoring, if continued non-compliance occurs, Administrative Assessments will be doubled. As noted earlier, exceeding the limits for multiple pollutants in a single sample will result in multiple violations and multiple Assessments.

Permitted Users Administrative Violations

Report late, greater than five (5) days
1st occurrence in year: $200
2nd occurrence in Year: $400

Fats, Oils, and Grease Violations

Violation	Response
Reporting Violation	$50 per month after second NOV until a compliance schedule is submitted.
Not meeting Compliance date until in compliance.	$100 per month Administrative Assessment
Not Pumping within 15 days	$50 per month until the GRS is pumped.

Hauled Wastewater Violations

Violation	Response
100% < Result ≤ 120% of Limit	NOV,$50 Administrative Assessment
121% < Result ≤ 150% of Limit	NOV,$75 Administrative Assessment
151% < Result ≤ 200% of Limit	NOV,$100 Administrative Assessment
201% < Result ≤ 500% of Limit	NOV,$300 Administrative Assessment
> 501% of Limit	NOV,$500 Administrative Assessment

Dental Violations

Violation	Response
Reporting Violation	$50 per month after second NOV until a compliance schedule is submitted.
Not Disposing of Amalgam	$50 per month until the amalgam waste is removed.

Other Expenses

The Water Authority will bill Users to recover actual expenses incurred by the Water Authority as a result of violations. The costs may include but are not limited to, the scheduling, manpower, materials, collection and analysis of samples.

INDUSTRIAL PRETREATMENT PROGRAM
LOCAL LIMITS TECHNICAL ANALYSIS REPORT – 2013 UPDATE
Albuquerque Bernalillo County Water Utility Authority
September 2013

Purpose:

To fulfill the requirements of National Pollutant Discharge Elimination System (NPDES) Permit No. NM0022250, effective October 2012 – Albuquerque Bernalillo County Water Utility Authority (Water Authority) - Southside Water Reclamation Plant, Part II, Appendix C. Contributing Industries and Pretreatment Requirements

Section 1. Introduction

A. Background

Publicly Owned Treatment Works (POTWs) are responsible for limiting the load and volume of pollutants discharged to the collection system to protect the water quality of the receiving stream, prevent pass through and interference, comply with discharge limits and biosolid regulations, and protect worker health and safety.

This report is an update to the Water Authority technically based local limits (TBLL) that were approved by U.S. Environmental Protection Agency (EPA) Region 6, March 24, 1997. This 2013 update is a requirement of the NPDES Permit No. NM0022250 –Southside Water Reclamation Plant, Part II, Appendix C: Contributing Industries and Pretreatment Requirements effective October 1, 2012.

Specifically, Appendix C of Part II at paragraph (2) states :

> The permittee shall, within sixty (60) days of the effective date of this permit,
>
> (1) submit a **WRITTEN CERTIFICATION** that a technical evaluation has been demonstrated that the existing technically based local limits (TBLL) are based oncurrent state water quality standards and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination, **OR**
>
> (2) submit a **WRITTEN NOTIFICATION** that a technical evaluation revising the current TBLL and a draft sewer use ordinance which incorporates such revisions will be submitted within 12 months of the effective date of this permit.

> All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit. The specific prohibitions set out in 40 CFR Part 403.5(b) shall be enforced by the permittee unless modified under this provision.

Technical revisions are needed in order to update existing discharge limits that are established in the Water Authority Sewer Use and Wastewater Control Ordinance (SUO). The Water Authority submitted a letter to EPA on November 20, 2012 selecting Option 2, that revisions to the TBLL would be necessary and incorporated in to a draft SUO.The SUO establishes conditions and limits on wastewater discharges for the commercial, industrial and institutional customers of the wastewater system owned by the Water Authority.

B. Important Changes Since Last TBLL

Several significant changes have occurred since the prior approved TBLL which support the need to revise the TBLL for the Water Authority. Changes include the following:

1. The Water Authority completed disinfection upgrades to the Southside Water Reclamation Plant (SWRP) in April of 2011. The gaseous chlorine disinfection system was removed and replaced with an ultraviolet irradiation disinfection system.

2. The State of New Mexico completed revisions to the New Mexico Surface Water Quality Standards (WQSs) as of 2012, and again as of January 2013 (not yet approved by EPA as of May 1, 2013).

3. The Pueblo of Isleta completed revisions to surface WQSs as of 2002 and were approved by EPA effective July 22, 2005.

4. The NPDES permit which became effective in October 2012 has a lower Mercury limit and does not include flow or seasonal limits. The daily maximum limit for Ammonia is now 1.5 mg/l and the 30-day average limit is 1.0 mg/l year round. The monthly average limit for CBOD is in effect year round.

Section 2. New Mexico and Pueblo of Isleta Surface WQSs:

The designated uses of the receiving stream, Rio Grande Segment 20.6.4.105 New Mexico Administrative Code (NMAC) as specified in the New Mexico "Standards for Interstate and Intrastate Surface Waters" (NMWQSs) are:

Limited Warmwater Aquatic Life
Irrigation
Livestock Watering
Wildlife Habitat
Secondary Contact

The designated uses of the receiving stream according to the Pueblo of Isleta Water Quality Standards (PIWQSs), Section V.A. are:

Warmwater Fishery
Primary Contact Ceremonial
Primary Contact Recreational
Agricultural
Industrial Water Supply
Wildlife

(Source: EPA Region 6 NPDES Permit No. NM 0022250 Fact Sheet, July 1, 2011)

The latest State of New Mexico and Pueblo of Isleta WQSs for the Rio Grande have been evaluated and included in all calculations. Most of the NM and Isleta WQSs criteria are identical, with some notable exceptions provided in the following tables. The most stringent criteria have been used in the local limits calculation spreadsheets.

Both acute and chronic water quality standards were calculated. The upstream Rio Grande flow assumed for acute calculations is the four day low flow over a three year period (4Q3) flow in million gallons per day (MGD). The upstream flow of 0 MGD was assumed for acute calculations. Careful attention has been made to maintain consistency with the total and dissolved metal concentration basis of parameters. The latter is critical to maintain the integrity of the derived industrial discharge local limits that are based strictly on total recoverable concentrations.

Table X shows how the chronic and acute criteria were calculated based on the equations:

$$acute\ criteria = e^{m_A(\ln(hardness))+b_a}((CF)$$

$$chronic\ criteria = e^{m_c(\ln(hardness))+b_c)}(CF)$$

Table 1 shows the conversion factors used to derive a total metal criterion from a dissolved criterion.

Table 1: NMED and Isleta Pueblo Hardness and Dissolved to Total Metal Correction

Acute							
Metal	m_a	b_a	CF	Acute Criteria (µg/L) dissolved	mg/L	C/Cr from EPA fact sheet	Total Metal Criteria (mg/l)
Aluminum	1.3695	1.8308	1	5582.63	5.5826		
Cadmium	0.8968	-3.5699	0.929036506	2.24	0.0022		
Chromium	0.819	3.7256	0.316	763.69	0.7637		
Copper	0.9422	-1.7	0.96	18.82	0.0188	0.18883403	0.0997
Lead	1.273	-1.46	0.738883983	95.12	0.0951		
Manganese	0.3331	6.4676	1	3363.45	3.3635		
Nickel	0.846	2.255	0.998	633.69	0.6337	0.163495663	3.8759
Silver	1.72	-6.59	0.85	5.95	0.0060	0.330121909	0.0180
Zinc	0.9094	0.9095	0.978	221.51	0.2215	0.134733373	1.6441
Isleta Pueblo Lead				95.12	0.0951		
Isleta Pueblo Silver				6.38	0.0064	0.330121909	0.0193
Isleta Pueblo Zinc				158.67	0.1587	0.134733373	1.1776
Chronic							
Metal	m_c	b_c	CF	Chronic Criteria (µg/L) dissolved	mg/L	C/Cr from EPA fact sheet	Total Metal Criteria (mg/l)
Aluminum	1.3695	0.9161	1	2236.61	2.2366		
Cadmium	0.7647	-4.218	0.929036506	0.61	0.0006		
Chromium	0.819	0.6848	0.86	99.34	0.0993		
Copper	0.8545	-1.702	0.96	12.16	0.0122	0.1883403	0.0645
Lead	1.273	-4.705	0.738883983	3.71	0.0037		
Manganese	0.3331	5.8743	1	1858.31	1.8583		
Nickel	0.846	0.0584	0.997	70.38	0.0704	0.163495663	0.4305
Zinc	0.9094	0.6235	0.986	167.77	0.1678	0.134733373	1.2452
Isleta				159.96	0.1600	0.134733373	1.1872

Pueblo Zinc							
Isleta Pueblo Lead				3.71	0.0037		

CF= Conversion Factor
Cr= Dissolved Criteria Value
C/Cr= Fraction of Metal Dissolved
Total Metal Criteria = Cr / (C/Cr)

Section 3. Sludge Management and Disposal:

Sludge (biosolids) produced at the SWRP is treated by anaerobic digestion followed by dewatering via centrifugation. The dewatered sludge flow from the SWRP is 0.496 MGD at 19.7% solids. A percentage (20% - 30%) of the sludge product is composted to meet Class A for land application fertilization. The majority (greater than 80 %) of the biosolids product is disposed of via surface disposal. The balance of the sludge product is land applied on Water Authority owned rangeland.

Section 4: Rio Grande, Collection System and Southside Water Reclamation Plant data used in TBLL evaluation:

The following general SWRP data were used for the TBLL evaluation:

1. Calendar year 2012 SWRP Facility Average Daily Flow: 54.6 MGD. The daily SWRP effluent flow has not increased in more than 5 years.

2. Stream Hardness (Rio Grande): 143 mg/L (EPA NPDES Fact Sheet, 2011)

3. Plant Priority Pollutant Data: See Appendix A for influent data, effluent data and removal percentages. Table 2 summarizes the plant removal percentages used in this 2013 TBLL evaluation. Removal efficiencies are generally determined by taking a sample at the influent, sample point TP 2.3, and then comparing it with a sample taken the following day at the plant effluent sample point, TP 2.7.

Table 2: Removal Efficiencies

Parameter	Removal %	Parameter	Removal %
Aluminum	92%	Fluoride	6.1%
Ammonia	98%	Lead	92%
Arsenic	43%	Mercury	97%
Boron	36%	Molybdenum	79%
Cadmium	87%	Nickel	62%

Chromium	95%	Selenium	60%
Chemical Oxygen Demand (COD)	91%	Silver	92%
Carbonaceous Biochemical Oxygen Demand (CBOD)	97%	Total Suspended Solids (TSS)	97%
Copper	89%	Zinc	90%
Cyanide	67%		

4. Domestic/Commercial Field Manhole Sampling Background Data:
Domestic/commercial manholes re monitored quarterly. Table 3 is a summary of the data from the past three years used in the 2013 TBLL update.

Table 3: Domestic Manhole Average Concentrations

Analyte	Conc. (mg/L)
Aluminum	0.710
Ammonia	33.6
Arsenic	0.0041
Boron	0.473
Cadmium	0.0001
Chromium	0.0023
COD	547
Copper	0.043
Fluoride	0.690
Lead	0.0017
Mercury	0.000168
Molybdenum	0.013
Nickel	0.020
Selenium	0.0016
Silver	0.0016
TSS	258
Zinc	0.399

Section 5. Pollutants of Concern:

All pollutants included in the previous TBLL studies were reevaluated for 2013. In addition, Ammonia, Total Suspended Solids (TSS), and Carbonaceous Biological Oxygen Demand (CBOD) were evaluated for the first time. EPA screening data that are included in the NPDES Fact Sheet 2011 were also used to identify new pollutants of concern for evaluation. All samples were taken using protocols that utilize analytical and sampling methods approved in 40 CFR 136.

Table 4: Influent and Effluent Monitoring Frequency

Analyte	Influent (2.3) Monitoring Frequency	Effluent (2.7) Monitoring Frequency
Aluminum	Monthly	Monthly
Ammonia	Weekly	Daily
Arsenic	Monthly	Monthly
Boron	Monthly	Monthly
Cadmium	Monthly	Monthly
Chromium	Monthly	Monthly
COD	Daily	Daily
Copper	Monthly	Monthly
Cyanide	Monthly	Monthly
Fluoride	Monthly	Monthly
Lead	Monthly	Monthly
Mercury	Quarterly	Weekly
Molybdenum	Monthly	Monthly
Nickel	Monthly	Monthly
Selenium	Monthly	Monthly
Silver	Monthly	Monthly
TSS	Daily	Daily
Zinc	Monthly	Monthly

Priority Pollutant Organics:

Since 1995, required monitoring for parameters listed at 40 CFR 122 Appendix D has been performed. In the 2010 NPDES permit renewal process, EPA reviewed previous years' Water Authority Pretreatment Annual Reports. No organic parameters exceeding 100 parts per billion (ppb) were detected in any previous Pretreatment priority pollutant monitoring. No limits for organic parameters were included in the final October 1, 2012 NPDES permit. Therefore,

no organic parameters were identified as pollutants of concern for this 2013 update.

Whole Effluent Toxicity (WET) Biomonitoring Tests: The Water Authority has performed quarterly effluent biomonitoring tests according to NPDES permit requirements since 1994. With rare exceptions, results have passed the "no observed effect levels" at 100% effluent.

Section 6. Industrial Discharges:

The Industrial Pretreatment Program (IPP) maintains between 60-90 permits active industrial discharge permits. The industrial contributory flow data for monitored industries are included in the Spreadsheets for Contributory Industries (Appendix B). The latter spreadsheets are used to determine contributory industrial flows on a parameter by parameter basis.

Background concentrations, and other relevant factors, are taken into consideration in determining minimum concentration levels of parameters in order to calculate total contributory flows. The Notes provided for Table 5 include contributory industrial flow information.

The previous TBLL evaluation established a representative "all-industry" flow total contribution of 8.5 MGD. The current (2013) "all-industry" flow is 12.7 MGD. The local limit spreadsheet calculation tables provided by EPA Region 5 (Appendix C) include parameter specific contributory industrial flows in order to fairly allocate allowable headwork's loading to industries with parametric discharges, after deducting background loading quantities.

Section 7. Factors of Safety and Growth:

The local limit calculation spreadsheets reflect factors of safety and growth that are parameter specific rather than a uniform standard percentage. Reasons for the former are the following:

1. Pollutants of concern deserve individual consideration for factors of safety and growth similar to decisions concerning background levels, industrial contributory flows and historical trends.

2. Some pollutants have exhibited no increase in influent levels and therefore do not present scenarios of expected growth or variability.

3. There is no need to maintain a large factor of safety in situations where a consistently high percentage removal is achieved, and headwork's loading is already low.

Section 8. Vapor Toxicity, Flammability, and Explosivity:

The previous TBLL limits for combined Benzene Ethylbenzene, Toluene and Xylene (BETX) (0.75ppm), Benzene (0.05 ppm), and Flash point (140 °F) are considered adequate and remain unchanged. There have been no problems reported in these subject areas.

Section 9. Inhibition Affecting Treatment Processes:

The local limit calculation spreadsheets in Appendix C contain the results of maximum allowable headworks loading and suggested local discharge limits using various process inhibition factors. None of the data suggest that inhibition should be the basis of a local discharge limit. The inhibition data used in the spreadsheets is based on the July 2004 EPA Local Limits Development Guidance document (EPA 833-R-04-002A).

Section 10. Summary and Recommendations:

New Local Limits 2013

Changes in WQSs, NPDES permit requirements and treatment processes justify a recalculation of TBLL for the SWRP. New calculations have been made with updated information and monitoring data. New contributory industry contributions have been determined. Updated background concentrations of various pollutants have been analyzed. Calculation spreadsheets supplied by EPA have been used to screen all pollutants of concern for the most stringent local limit concentrations. Monthly average limits have been added to protect chronic WQSs criteria.

Additions to the local limits include Ammonia, CBOD, and TSS. These pollutants are currently being assessed an extra strength surcharge but now will have a ceiling limit beyond which industrial users will not be able to "pay to pollute."

Table 5 presents the results of this reevaluation and new TBLL for 2013.

Table 5: 2013 Technically Based Local Limits

	Previous TBLL, mg/l (unless noted)	2013 TBLL, Daily Maximum Composite mg/l (unless noted)	2013 TBLL, Monthly Average mg/l (unless noted)	Criteria Basis	Comments
Aluminum	900	900		Chronic WQS	No Change
Ammonia	None	350.5	103.8	NPDES Permit Limits	New Limit
Arsenic	0.051	0.051		Digester Inhibition	No Change
Boron	None		699	Irrigation WQS	New Limit
Cadmium	0.5	0.5		Chronic WQS	No Change
Chromium	4.1	4.1		Digester Inhibition	No Change
COD	None		5,139	NPDES Permit Monthly Limit	New Limit
CBOD	None		2,107	NPDES Permit Monthly Limit	New Limit
Copper	5.3	3.2		Digester Inhibition	Lower Limit
Cyanide	0.45	0.45		Digester Inhibition	No Change
Fluoride	36	24.7	9.3	Acute/Chronic WQS (Isleta Pueblo)	Lower Limits
Lead	1	1	0.92	Acute/Chronic WQS	Lower Monthly Av. Limit
Mercury	0.004	0.004	0.0015	NPDES Permit Limits	Lower Monthly Av. Limit
Molybdenum	2	2	1.2	Isleta Chronic WQS	Lower Monthly Av. Limit
Nickel	2	2		Digester Inhibition	No Change
Selenium	0.46	0.25	0.04	NM Acute/ Isleta Wildlife WQS	Lower Limits
Silver	5	5		Acute WQS	No Change
TSS	None		5514	NPDES Permit Monthly Limit	New Limit
Zinc	2.2	2.2		Nitrification Inhibition	No Change
Formaldehyde	100	100[1]		Safety	No Change
TPH	100	100[1]		Safety	No Change
Oil and Grease	300	100[1]		Operations	Lower Limit

Phenolic	2	2[1]		Safety	No Change
TTO	3.2	None		CFR Categorical	Limit Removed
Benzene	0.05	0.05[1]		Safety	No Change
BTEX	0.75	0.75[1]		Safety	No Change
pH	5.0-11.5 s.u.	5.0-12.0 s.u.[1]		Corrosion	Higher Upper Limit
Temperature	140 °F	140° F[1]		Safety	No Change

Notes:
[1] These TBLLs are instantaneous limits and will be monitored via grab samples or online instruments.

Aluminum

The SWRP is able to remove 97% of aluminum. The most stringent criterion for aluminum is the chronic WQS. There are 15 industries that discharge aluminum above the background concentration of 0.71 mg/l. The 2013 chronic TBLL for aluminum is greater than the current daily maximum TBLL, therefore a chronic TBLL is not proposed and no change in the current daily maximum limit is warranted.

Ammonia

Ammonia is included in the 2013 TBLL analysis because it is a conditional pollutant of concern as designated by the EPA. Only POTWs that accept non-domestic sources of Ammonia, like the SWRP, are required to evaluate it. The concentration of Ammonia from the domestic manholes is 33.6 mg/l. There are seven (7) industries that discharge at concentrations above the domestic average. Since 2010, the SWRP has an Ammonia removal rate of 98.1%. The NPDES permit sets a daily maximum Ammonia limit of 1.5 mg/l and a monthly average limit of 1.0 mg/l. A daily maximum TBLL and a monthly average TBLL will be proposed to protect both of the permit requirements.

Arsenic

The amount of Arsenic in the domestic manholes is 0.0041 mg/l. This level has decreased over time due to Arsenic removal and blending in the Water Authority drinking water system. In addition, the San Juan-Chama Drinking Water Project Water Treatment Plant, in service since December 2008, produces drinking water with very low levels of Arsenic. There are 36 industries that discharge at contributory concentrations. The most stringent criteria for Arsenic is based on anaerobic digester inhibition. The calculated 2013 TBLL is greater than the current daily maximum level of 0.051 mg/l, therefore no change is warranted.

Boron

The domestic concentration of Boron is 0.474 mg/l. There are 13 industries that contribute above the domestic concentration. These industries contribute only 0.09 MGD of flow. The removal rate of Boron is 36%. The most stringent criterion is the chronic WQS of 0.75 mg/l for irrigation use. The Water Authority will propose a new TBLL for Boron.

Cadmium

Cadmium is detected at very low levels in the domestic manholes, with a concentration of 0.00012 mg/l. There are 43 industries that discharge at levels above the domestic concentration. The levels of Cadmium in the biosolids is very low, 0.4 milligrams per kilogram (mg/kg) over the last three (3) years, which is far below the 503 sludge criterion of 39 mg/kg. The removal rate of Cadmium is 86.8%, with many no detect results in the influent and the effluent. This removal rate uses one half of the Method Detection Limit (MDL) if a non-detect occurs. The most stringent criteria for Cadmium is based on the chronic WQS. The calculated 2013 TBLL based on chronic WQS is very low, 0.045 mg/l. Limits for Cadmium were removed from the 2012 NPDES permit because of a lack of reasonable potential to exceed a WQS. Due to the low influent loading of Cadmium and so many monitoring results below the MDL, it is recommended that the current TBLL be maintained.

Chemical Oxygen Demand (COD)/ Carbonaceous Biochemical Oxygen Demand (CBOD)

CBOD and COD have been shown to be correlated at the SWRP. Using influent data at the SWRP for COD and CBOD, it is calculated that an average of 41% of the COD is CBOD. The only criteria for CBOD is the NPDES monthly average limit of 15 mg/l. The SWRP has a CBOD removal rate of 97%. Domestic manholes average 547 mg/l of COD, which is equivalent to 224 mg/l of CBOD. The Water Authority currently charges a surcharge based on COD concentrations over 500 mg/l. The 2013 calculated monthly average TBLL is very high, 2,107 mg/l CBOD which is equivalent to 5,139 mg/l COD. COD may be monitored to protect the CBOD TBLL.

Chromium

The concentration of Chromium in the domestic manholes is 0.0023 mg/l. There are 39 industries that have an average effluent concentration greater than the domestic concentration. The SWRP removes 87% of

Chromium, with many effluent results below the Method Quantitation Limit (MQL). The removal rate calculation uses one half of the MDL if a non-detect occurs. The most stringent criteria for Chromium is anaerobic digester inhibition. The 2013 TBLL is above the current limit of 0.5 mg/l, therefore no change is warranted in the daily maximum limit. A monthly limit based on the chronic New Mexico WQS is not established because the monthly average limit would be greater than the daily maximum limit.

Copper

Copper is present in the domestic manholes at 0.043 mg/l. There are 40 industries that discharge Copper over the domestic average. Copper has been detected in the effluent in levels greater than the MQL. The most stringent criterion for Copper is anaerobic digester inhibition. The anaerobic digester inhibition level is lower than previous TBLLs and a lower 2013 TBLL is required. As noted in the 2011 NPDES permit fact sheet, the EPA adjusted the Copper WQ criteria for hardness and converted the dissolved WQ criterion to a total concentration of Copper using the ratio of C/C_f= 0.18883403. A monthly limit based on the chronic NM WQS is not added because the monthly average limit would be greater than the daily maximum limit.

Cyanide

The domestic loading of Cyanide is assumed to be zero. As such, all flow comes from industry. Cyanide is very rarely seen above the detection limits in both the influent and effluent. As such, the removal rate of 67% from the EPA Local Limits Guidance Manual was used. The most stringent criteria for Cyanide is anaerobic digester inhibition. The 2013 calculated TBLL is greater than the current TBLL of 0.45 mg/l, and no change is warranted.

Fluoride

The concentration of Fluoride in the domestic manholes is 0.690 mg/l. There are 28 industries that discharge above the domestic concentration. The Water Authority phased out supplemental fluoridation of the drinking water supply in 2011. The factor of safety was lowered from 25% to 10% to account for the removal of additional Fluoride in the water supply. Isleta Pueblo has an acute WQS based on ceremonial use and a chronic Fluoride criteria based on irrigation use. The daily maximum value calculated in the 2013 TBLL analysis is lower than the current TBLL of 30 mg/l. Changes to the daily maximum and monthly average limits will are proposed.

Lead

Lead concentrations in the domestic manholes average 0.0017 mg/l. There are 38 industries that have concentrations of Lead over the domestic average. The most stringent criteria for Lead is based on the chronic WQS. A new monthly average TBLL will be proposed. The calculated acute 2013 TBLL is greater than the existing TBLL, therefore the daily maximum limit will remain at the current level.

Mercury

The concentration of Mercury in domestic manhole is 0.000168 mg/l. Due to the difficulty of sampling for mercury with the very sensitive analytical method EPA 1631, Mercury influent and effluent concentrations are compared on the same day. The removal efficiency of Mercury removal is determined to be 97%. To be conservative, all nine (9) Mercury dischargers were included as contributing industries, regardless of whether they are above the domestic manhole concentration. The criteria for Mercury is based upon the NPDES permit daily maximum limit of 0.000012 mg/l and the monthly average discharge limit of 0.000008 mg/l. The 2013 calculated daily maximum TBLL is the same as the current TBLL of 0.004 mg/l, and, therefore, will not be changed. A new monthly average limit is proposed.

Molybdenum

The domestic manhole concentration of Molybdenum is 0.0133 mg/l. There are 40 industries that discharge Molybdenum at concentrations which exceed the domestic limit. The removal efficiency for Molybdenum was determined to be 79%. Previous SWRP testing data indicates that the ratio of total: dissolved Molybdenum is 2.57. The chronic criteria for Molybdenum is the Isleta Pueblo chronic WQS of 0.01 mg/l of dissolved molybdenum for irrigation use. When multiplied by 2.57 to determine the criterion for total Molybdenum, a result of 0.0257 mg/l is determined. A new monthly average limit is proposed to address this criterion. The 2013 calculated daily maximum TBLL is greater than the previous TBLL; therefore, no change is made to the daily maximum limit.

Nickel

The average domestic manhole concentration of Nickel is 0.0198 mg/l. There are 23 industries that have an average discharge above background. Many values of influent and effluent monitoring are below the MQL. The resultant removal efficiency is 61.6%. The most stringent acute criterion for Nickel is the anaerobic digester inhibition level. The 2013

calculated TBLL is greater than the current TBLL. No change is warranted in the daily maximum limit. As noted in the 2011 NPDES permit fact sheet, the EPA adjusted the Nickel WQ criteria for hardness and converted the dissolved WQ criterion to a total concentration of Nickel using the ratio of C/C_f= 0.1634956627. A monthly limit based on the chronic NM WQS is not required because the monthly average limit would be greater than the daily maximum limit.

Selenium

The domestic manhole concentration of Selenium is 0.0016 mg/l. There are 39 industries that discharge at contributory levels. Selenium is removed at a rate of 60.1% from the effluent. The chronic criterion for Selenium is the Isleta Wildlife Usage WQS of 0.002 mg/l. Based upon this criteria, a monthly limit for Selenium is proposed. The 2013 calculated daily maximum TBLL based upon acute NM WQS is less than the previous TBLL; therefore, a new daily maximum will be proposed.

Silver

Silver is found in the domestic manholes at 0.0016 mg/l. There are 44 contributory industries above the domestic average. Limits for Silver were removed from the 2012 NPDES permit because of a lack of reasonable potential to violate a WQS. The previous TBLL for Silver is sufficient and there will be no change.

Total Suspended Solids (TSS)

The average TSS concentration in the domestic manholes is 258 mg/l. There are 18 industries that discharge at levels in excess of this concentration. The Water Authority assesses an extra strength surcharge for concentrations of TSS above 330 mg/l. The SWRP removes 97.1% of TSS. The most stringent criterion for TSS is the monthly average NPDES effluent limit of 30 mg/l. There is no previous TSS TBLL; therefore, a monthly average TBLL has been calculated and proposed.

Zinc

Domestic manhole concentrations of Zinc are 0.399 mg/l. There are 22 industries that have Zinc discharges over the domestic level. The removal rate of Zinc is 90%. The most stringent criterion for Zinc is based on nitrification inhibition. The 2013 TBLL calculated limit for nitrification inhibition is greater than the current TBLL of 2.2 mg/l, therefore the current TBLL will be maintained. As noted in the 2011 NPDES permit fact sheet, the EPA adjusted the Zinc WQ criteria for Hardness and converted the

dissolved WQ criterion to a total concentration of Zinc using the ratio of C/C_f= 0.134733373. A monthly limit based on the Isleta Pueblo chronic WQS is not established because the monthly average limit would be greater than the daily maximum limit.

Formaldehyde

Formaldehyde is included in the TBLL for safety reasons because it is a known carcinogen. The limit of 100 mg/l will be kept the same to protect wastewater workers.

Total Petroleum Hydrocarbons (TPH)

TPH is included as a limit to prevent explosions and protect the health and safety of wastewater workers. The current limit of 100 mg/l remains unchanged.

Oils and Grease

The current oils and grease TBLL of 300 mg/l is among the highest (least stringent) among pretreatment programs in Region VI. In order to prevent Sanitary Sewer Overflows (SSOs) in the collection system and to aid in plant operations, it is recommended that the TBLL for oils and grease be lowered to the industry standard of 200 mg/l.

Phenolic Compounds

Phenolic compounds are included in the TBLLs for worker safety. The current TBLL of 2 mg/l remains unchanged.

Total Toxic Organics (TTOs)

TTOs were included in the previous TBLLs because several categorical industries such as 40 CFR 433 metal finishers require TTO monitoring. These industries already have TTO monitoring or Toxic Organic Management Plans (TOMPs) in applicable Wastewater Discharge Permit requirements. Imposing a categorical limit on all industries is unnecessarily restrictive and this TBLL is eliminated.

Benzene, Toluene, Ethyl benzene, and Xylene (BTEX)

The total of Benzene, Toluene, Ethyl benzene, and Xylene (BTEX) is included as a local limit to prevent explosions and protect the health and safety of wastewater workers. The current limit of 0.75 mg/l remains unchanged.

pH

pH is included as a local limit to prevent corrosion of the collection system and to protect worker safety. In order to aid in nitrogen removal at the SWRP, the proposed 2013 TBLL of 5.0 – 12.0 standard units is an increase from the previous limit of 5.0 – 11.5. The increase of the upper limit still provides a factor of safety from the characteristic corrosively of hazardous waste at 12.5.

Temperature

In order to protect worker safety, the current TBLL for temperature of 140°F is retained.

It is recommended that mass limits for various parameters be established for individual industries on a case-by-case basis in order to not penalize past water conservation accomplishments on the part of industries. Mass based industrial discharge permits already have existing precedents within the IPP. It is the IPP's stated policy to encourage water conservation for industries. It is recognized that less water use and less waste dilution can result in increases in waste parameter concentration. A mass limit can be utilized to establish equivalent discharge amounts while accommodating water conservation practices. Past flow allocations can apply with updated TBLL parameter limits by allocation of factors of safety and growth.

Appendix A

SWRP Influent Data, Effluent Data and Removal Percentages

Note: Data that could not be used to calculate removal percentage has been omitted. This most often occurs when both values for influent and effluent are below the detection limit.

Proposed Changes to the Water Authority's Sewer Use and Wastewater Control Ordinance

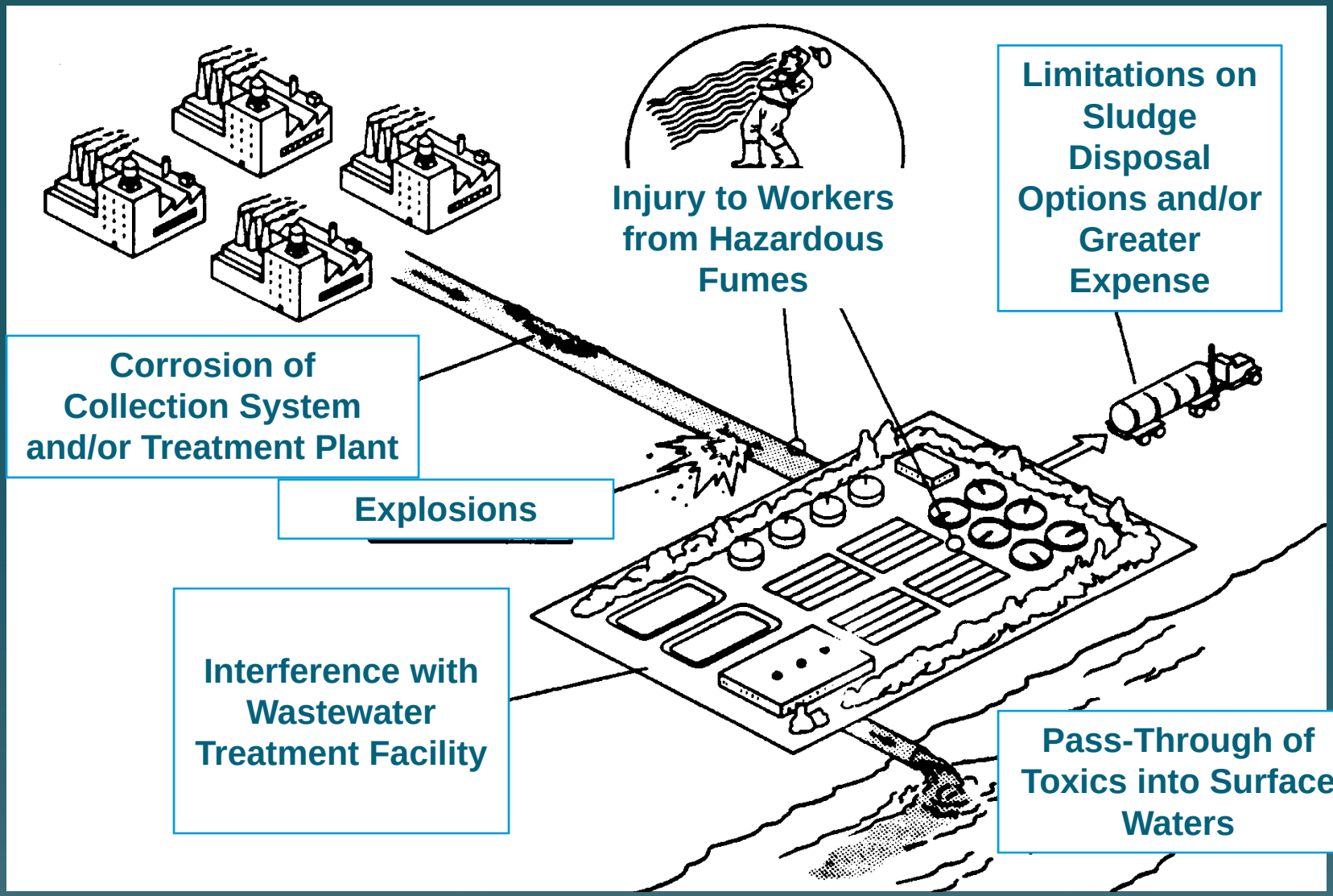
Mark Kelly, PE
Industrial Waste Engineer
January 29, 2014

Albuquerque Bernalillo County
Water Utility Authority

What is The Sewer Use and Wastewater Control Ordinance?

- Sets requirements for sanitary sewer users
- Regulates the discharge of pollutants into the collection system
- Enables the Water Authority to achieve compliance with U.S. EPA National Pollutant Discharge Elimination System (NPDES) and Southside Water Reclamation Plant (SWRP) effluent and sludge limits.

Albuquerque Bernalillo County
Water Utility Authority



Albuquerque Bernalillo County
Water Utility Authority

What will be changed?

- Fats, Oils, and Grease Policy created
- Sewer Use and Wastewater Control Ordinance updated to match EPA model
- Technically Based Local Limits updated
- Enforcement Response Plan updated

Ordinance Requirement: Fats, Oils, and Grease (FOG)

- Capacity, Management, Operations, and Maintenance (CMOM) Plan for the collection system with an emphasis on FOG Policy
- 22% of Sanitary Sewer Overflows are attributed to grease
- Grease Removal System (GRS) Requirements
  - Maintenance
  - Inspections
  - Record Keeping
  - Best Management Practices (BMPs)

FOG Policy: Pumper Requirements

- Must use a pumper that is in compliance
- Complete Evacuation
  - All chambers must be pumped
  - No decanting or discharging of wastewater back into trap
- Manifests
  - Must be provided
  - Date, time, volume, condition
- Prohibitions
  - Discharging of unprocessed GRS waste at SWRP
  - Blending

Ordinance Requirement: Industrial Permits

- Administrative Assessments: power to assess at least $1,000.00 per violation per day (penalties for non-compliance were mandated by EPA)
- To comply with the EPA mandate, the Rate Ordinance changes were that as adopted by the Water Authority Board on 6/19/13
- Updates to the Technically Based Local Limits

Ordinance Requirement: Technically Based Local Limits (TBLLs)

- For specified pollutants:
  - Domestic manhole, industrial discharge, and plant influent water quality results determine SWRP loading
  - Plant influent and effluent water quality results determine SWRP removal efficiency
  - Plant influent loading compared with NPDES effluent limits and sludge disposal limits
  - If an influent loading is too high, local limits change

Ordinance Requirement: Technically Based Local Limits (TBLLs)

- Removal Efficiencies

Parameter	Removal %
Aluminum	92%
Ammonia	98%
Arsenic	43%
Boron	36%
Cadmium	87%
Chromium	95%
COD	91%
CBOD	97%
Copper	89%
Cyanide	67%
Fluoride	6.1%
Lead	92%
Mercury	97%
Molybdenum	79%
Nickel	62%
Selenium	60%
Silver	92%
TSS	97%
Zinc	90%

Ordinance Requirement: Technically Based Local Limits (TBLLs)

Pollutant	Previous TBLL, mg/l (unless noted)	2013 TBLL, Daily Maximum Composite mg/l (unless noted)	2013 TBLL, Monthly Average mg/l (unless noted)	Criteria Basis	Comments
Aluminum	900	900		Chronic WQS	No Change
Ammonia	None	350.5	103.8	NPDES Permit Limits	New Limit
Arsenic	0.051	0.051		Digester Inhibition	No Change
Boron	None		699	Irrigation WQS	New Limit
Cadmium	0.5	0.5		Chronic WQS	No Change
Chromium	4.1	4.1		Digester Inhibition	No Change
COD	None		5,139	NPDES Permit Monthly Limit	New Limit
CBOD	None		2,107	NPDES Permit Monthly Limit	New Limit
Copper	5.3	3.2		Digester Inhibition	Lower Limit
Cyanide	0.45	0.45		Digester Inhibition	No Change
Fluoride	36	22.7	9.1	Acute/Chronic WQS (Isleta Pueblo)	Lower Limits
Lead	1	1	0.92	Acute/Chronic WQS	Lower Monthly Av. Limit
Mercury	0.004	0.004	0.0015	NPDES Permit Limits	Lower Monthly Av. Limit
Molybdenum	2	2	1.2	Isleta Chronic WQS	Lower Monthly Av. Limit

Ordinance Requirement: Technically Based Local Limits (TBLLs)

Pollutant	Previous TBLL, mg/l (unless noted)	2013 TBLL, Daily Maximum Composite mg/l (unless noted)	2013 TBLL, Monthly Average mg/l (unless noted)	Criteria Basis	Comments
Nickel	2	2		Digester Inhibition	No Change
Selenium	0.46	0.25	0.04	NM Acute/ Isleta Wildlife WQS	Lower Limits
Silver	5	5		Acute WQS	No Change
TSS	None		5514	NPDES Permit Monthly Limit	New Limit
Zinc	2.2	2.2		Nitrification Inhibition	No Change
Formaldehyde	100	100		Safety	No Change
TPH	100	100		Safety	No Change
Oil and Grease	300	200		Operations	Lower Limit
Phenolic	2	2		Safety	No Change
TTO	3.2	None		CFR Categorical	Limit Removed
Benzene	0.05	0.05		Safety	No Change
BTEX	0.75	0.75		Safety	No Change
pH	5.0-11.5 s.u.	5.0-12.0 s.u.[1]		Corrosion	Higher Upper Limit
Temperature	140 °F	140° F[1]		Safety	No Change

Changes from the Previous Ordinance: Enforcement Response Plan (ERP)

- Reimbursement of all Water Authority monitoring costs for samples in violation (rate payer equity)
- Potential Administrative Assessments (AAs) for each discharge violation
- All citations changed to Administrative Assessments
- Grace period for reporting changed from 30 to 5 days

Public Participation

- Industrial Permit Holders (7/18/2013)
- Septage Haulers (7/22/2013)
- General Public (7/25/2013)

- Email blast to NM Restaurant Association
- Customer Advisory Council, Water Protection Advisory Board, NMDA

- Comments were incorporated

Albuquerque Bernalillo County
Water Utility Authority

Questions?

Albuquerque Bernalillo County
Water Utility Authority

ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY

BILL NO. ___O-13-3_____

ORDINANCE

AMENDING SECTIONS 3-1-1 TO 3-13-3 TO THE SEWER USE AND WASTEWATER CONTROL ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD, THE GOVERNING BODY OF THE WATER AUTHORITY:

Section 1. Section 3 is amended as follows:

Section 3. SEWER USE AND WASTEWATER CONTROL

3-1 GENERAL PROVISIONS

3-1-1 SHORT TITLE.

This Ordinance shall be known and may be cited as the “Sewer Use and Wastewater Control Ordinance.”

3-1-2 PURPOSE AND POLICY.

A. This Ordinance sets forth uniform requirements for and applies to all users of the POTW.

B. The purpose of this Ordinance is to enable the Water Authority to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. §1251 et seq.) and the General Pretreatment Regulations (Title 40 CFR Section 403); the requirements and conditions of the NPDES permit; and to protect the POTW and the public health and safety.

C. The objectives of this Ordinance are to:

1. Prevent the introduction of pollutants into the POTW that will interfere with its normal operation, damage the POTW, or contaminate the resulting sludge;

2. Prevent the introduction of pollutants into the POTW that will not be adequately treated and will pass through into the receiving waters or otherwise be incompatible with normal operations;

3. Protect the safety and health of both general public and the Water Authority's personnel who may be affected by wastewater and sludge in the course of their employment

4. Promote the opportunity for reuse, recycling, and reclamation of wastewater and sludge from the POTW; and

5. Provide for the equitable distribution of the cost of operation, maintenance, and improvement of the Water Authority's approved pretreatment program.

D. This Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative and judicial review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs incurred to operate the Water Authority's pretreatment program.

3-1-3 ABBREVIATIONS.

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
°C	Degrees Centigrade or Celsius
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
°F	Degrees Fahrenheit
FOG	Fats, Oils, and Grease
FSE	Food Service Establishment
gpd	gallons per day
GRS	Grease Removal System
mg/l	milligrams per liter
NH_3N	Ammonia Nitrogen
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
TPH	Total Petroleum Hydrocarbon
TSS	Total Suspended Solids

TTO Total Toxic Organics

USC United States Code

3-1-4 DEFINITIONS.

As used in the Sewer Use and Wastewater Control Ordinance:

Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

Authorized Representative.

A. If the user is a corporation:

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

2. The manager of one or more manufacturing, production, or operating facilities named in the user's application for a wastewater discharge permit.

B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

C. If the user is a governmental facility or agency: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

D. The user may designate a person or position that is not described in Subparagraphs A through C of this paragraph as an authorized representative if the individual or position is responsible for the overall operation of the facility from which the discharge originates or has overall responsibility for environmental matters for the user, and a written designation is submitted to the Water Authority.

Baseline Monitoring Report (BMR). A report submitted by a user to the Industrial Pretreatment Engineer pursuant to §§3-2-5 or 3-6-1 or other provisions of this Ordinance containing information relating to the nature and concentration of pollutants and flow characteristics of the discharge from the user to the POTW using standard laboratory and sample collection methods approved by the Industrial Pretreatment Engineer.

Best Management Practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the

discharge prohibitions provided by this Ordinance, a wastewater discharge permit, or order issued by the Industrial Pretreatment Engineer, or any other pretreatment standard or pretreatment requirement. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage for raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of carbonaceous (organic) matter under standard laboratory procedures for five (5) days at 20°C, usually expressed as a concentration (e.g., mg/l).

Bypass. The diversion of wastestreams or wastewaters from any portion of a user's wastewater treatment equipment or pretreatment facility.

Categorical Industrial User. A user subject to a categorical pretreatment standard.

Categorical Pretreatment Standard. Pollutant discharge limits contained in any regulation promulgated by EPA in accordance with §§307(b) and (c) of the Act (33 U.S.C. §1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Sections 405-471.

Chemical Oxygen Demand (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Composite Sample. A sample that is collected over time and formed by continuous sampling or by mixing of discrete sampling aliquots. Composites formed by mixing discrete sampling aliquots shall be collected on a time proportional or flow proportional basis.

Daily Discharge. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day. The time period may be less than 24 hours to correspond with actual hours of operation.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day.

Dilution. The additional use of potable water for the purpose of reducing the concentration of pollutants in the wastewater before discharging to the POTW. The normal use of potable water for sanitary facilities and food preparation shall not be considered dilution.

Discharge. Any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, leaking, or placing of any material so that such material enters the POTW.

Domestic Wastewater. Effluent which contains constituents and characteristics similar to effluent from a residence and specifically for the purposes of this Ordinance does not exceed any of the following concentrations:

COD = 500mg/l.

BOD = 250 mg/l.

TSS = 330 mg/l.

NH_3N = 25 mg/l.

Enforcement Response Plan. A plan that establishes an equitable and consistent system of escalating enforcement responses to all identified instances of noncompliance with this Ordinance, a wastewater discharge permit, pretreatment program policy or best management practices.

Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency and, where appropriate, the Region VI Water Management Division Director, the Region VI Administrator, or other duly authorized official of the agency.

Executive Director. The Executive Director of the Albuquerque Bernalillo County Water Utility Authority or his or her designated representative.

Existing Source. Any source of discharge that is not a new source.

Fats, Oils, and Grease (FOG). Those components of wastewater measured by methods approved by 40 CFR 136, including polar fats, oils, grease, and other components extracted from wastewater by those methods, and excluding the non-polar fraction.

Food Service Establishment (FSE). Any establishment, commercial or noncommercial, such as a restaurant, cafeteria, snack bar, temple, mosque, church, synagogue, worship hall, banquet facility, preschool, school, or meeting place, with a kitchen that is used for preparing, serving, or otherwise making available for consumption foodstuffs in commercial amounts in or on a receptacle that requires washing and that discharges to the POTW.

Garbage. Solid wastes from the commercial preparation, cooking, and dispensing of food, and from the handling, storing, and sale of produce.

Grab Sample. A sample that is taken from a wastestream representing the conditions at the moment without regard to the flow wastestream and over a period of time not to exceed fifteen (15) minutes.

Grease Removal System (GRS). Any device designed for, and intended for, separating, collecting, and removing waterborne FOG and settleable solids prior to discharging to the POTW.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge. The introduction of pollutants into the POTW from any nondomestic source.

Industrial Waste. Waste resulting from any process of industry, manufacturing, trade, or business, or from the development, recovery, or processing of natural resources.

Industrial Pretreatment Engineer. The person designated by the Executive Director to supervise the operation of the approved pretreatment program and the implementation and enforcement of this Ordinance. The term Industrial Pretreatment Engineer also refers to any other persons designated by the Executive Director to assist the Industrial Pretreatment Engineer implement and enforce this Ordinance.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes and is a cause of a violation of the NPDES permit or prevents the use or disposal of sewage sludge in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent state or local regulation: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); and state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Lateral Sewer. A user's sewer pipe beginning at the POTW system and extending to the premises served by the sewer pipe. The lateral sewer includes the stub to which a user connects the sewer pipe to the POTW system and is commonly known as a house service connection or building sewer.

Local Limit. Specific discharge limits developed and enforced by the Water Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Mass Emission Rate. The weight of material discharged to the POTW during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

Maximum Allowable Discharge Limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time.

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, dialysis wastes, and any other biohazardous waste materials.

Monthly Average. The sum of four or more daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Monthly Average Limit. The highest allowable average of daily discharges over a calendar month, calculated as the sum of four or more daily discharges measured

during a calendar month divided by the number of daily discharges measured during that month.

National Categorical Pretreatment Standards. Pollutant discharge limits contained in any regulation promulgated by the EPA in accordance with §307(b) and (c) of the Act (33 USC §1347) which applies to users. These terms include prohibitive discharge limits established pursuant to 40 CFR 403.5 of EPA's General Pretreatment Regulations.

National Pollutant Discharge Elimination System Permit (NPDES Permit). A permit issued to the POTW pursuant to §402 of the Act.

New Source.

1. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under §307(c) of the Act which are applicable to such source if the categorical pretreatment standards are thereafter promulgated in accordance with §307(c), provided that:

2. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

3. The building structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at the existing source; or

4. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

5. Construction on a site at which an existing source is located and which results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subparagraph 1(b) or (c) of this paragraph but otherwise alters, replaces, or adds to an existing process or production equipment.

6. Construction of a new source has commenced if the owner or operator has:

7. Begun, or caused to begin, as part of a continuous on-site construction program:

8. Any placement, assembly, or installation of facilities or equipment; or

9. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nondomestic Wastewater. All waterborne solids, liquids, or gaseous wastes resulting from any commercial, industrial, or institutional activity as classified in the Ordinance, and distinct from domestic wastewater.

Oils – Mineral/Petroleum. Petroleum, oil, non-biodegradable cutting oil, or products of mineral oil origin, measured by a total petroleum hydrocarbon test approved by 40 CFR 136.

Overflow. Any instance where wastewater flows outside of the established public or private wastewater collection system or wastewater pretreatment system.

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes of a violation of any requirement of the NPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental person, or any other legal person, or their legal representatives, agents or assigns. The masculine gender shall

include the feminine and the singular shall include the plural where indicated by the context.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics, such as pH, temperature, TSS, turbidity, color, BOD, COD, NH_3N, FOG, toxicity, or odor).

Premises. A parcel of real estate or portion thereof, including any improvements thereon, which is connected to the POTW and which receives or uses water and wastewater services from the Water Authority.

Pretreatment. The reduction of the amount of pollutants, the elimination 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR §403.6(d).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits.

Pretreatment Inspector. Persons designated by the Executive Director to assist the Industrial Pretreatment Engineer in the implementation and enforcement of this Ordinance. The Pretreatment Inspector shall be a certified Wastewater Operator Level III or Level IV.

Prohibited Discharge Standards. The prohibitions against the discharge of certain substances in Section 3-2-1.

Publicly Owned Treatment Works (POTW). The wastewater system owned by the Water Authority, including the wastewater reclamation plant and any devices and systems used by the Water Authority in the collection, storage, treatment, recycling and

reclamation of domestic and nondomestic wastewater, including interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; and any works, including land that shall be an integral part of the treatment process or used for the ultimate disposal of residues resulting from treatment.

Receptacle. Any pot, pan, dish, plate, platter, silverware, bowl, cup, glass, or other container that is used for preparing or serving foodstuffs.

Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water, such as household showers, dishwashing operations.

Significant Industrial User.

1. A user subject to categorical pretreatment standards; or
2. A user that:

(a) Discharges an average of 25,000 GPD or more of process wastewater to the POTW, excluding sanitary, non-contact cooling, and boiler blowdown wastewater; or

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Industrial Pretreatment Engineer on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or pretreatment requirement.

(d) Upon a finding that a user meeting the criteria in Subparagraph 2 of this paragraph has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or pretreatment requirement, the Industrial Pretreatment Engineer may at any time, on his own initiative or in response to a petition from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that the user should not be considered a significant industrial user.

Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in §3-2-1. A slug discharge is any discharge of a non-routine, episodic nature, including an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates the POTW's regulations, local limits or wastewater discharge permit conditions.

Standard Industrial Classification. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Storm Sewer. A sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes.

Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Time-Proportional Composite Sample. A sample consisting of several portions of the user's discharge collected during a 24 hour period in which each portion of the sample is collected within a specified time frame that is irrespective of flow. The time period may be less than 24 hours to correspond with actual hours of operation.

Total Metals. The sum of the concentrations of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

Total Petroleum Hydrocarbons (TPH). Those components of wastewater measured by methods approved by 40 CFR 136, including non-polar petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin oils, and other components extracted from wastewater by those methods, and excluding the polar fraction.

Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by filtration in accordance with standard laboratory procedures.

Total Toxic Organics (TTO). The summation of all values greater than 0.01 milligrams per liter (mg/l) for the list of toxic organics as may be developed by the EPA for each National Categorical Pretreatment Standard. For non-categorical users, the summation of all values above 0.01 mg/l of those listed in 40 CFR 122, Appendix D, Table II, or as directed by the Industrial Pretreatment Engineer.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of 33 USC 1317 and any pollutant which is not compatible with the POTW and the NPDES permit in the opinion of the Industrial Pretreatment Engineer.

User. Any person who discharges or causes or allows the discharge of wastewater into the POTW. A user does not have to be a customer, as that term is defined in the Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rate Ordinance, to be subject to the terms and conditions of this Ordinance.

Waste. Sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Water Authority. The Albuquerque Bernalillo County Water Utility Authority.

Wastewater. Waste and water, whether treated or untreated, discharged into or permitted to enter the POTW.

Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological and radiological characteristics, including volume and flow rate and such other characteristics that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Wastewater Discharge Permit. A permit authorizing a user to discharge prohibited pollutants into the POTW upon the condition that the user complies with the terms and conditions of the permit and the provisions of this Ordinance, including the obligation to fulfill all reporting requirements of the permit and to discharge pollutants at concentrations no greater than the concentrations listed in the permit.

3-1-5 ADMINISTRATION.

The Executive Director shall administer, implement, and enforce this Ordinance. The Executive Director may promulgate regulations to implement and carry out the provisions of this Ordinance, The Executive Director shall establish a schedule of fees sufficient to recover the reasonable costs of reviewing and acting on any application for a wastewater discharge permit, monitoring compliance with this wastewater discharge

permits and this Ordinance, including, but not limited to, inspections, taking samples, analyzing samples, and reviewing pretreatment plans and BMPs; and hearings. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director. The Executive Director shall appoint the Industrial Pretreatment Engineer and any other persons to assist with the administration and enforcement this Ordinance, including Pretreatment Inspectors. The Executive Director may appoint independent hearing officers to hear appeals from actions taken by the Industrial Pretreatment Engineer and any other matters arising under this Ordinance.

3-2 GENERAL SEWER USE REQUIREMENTS

3-2-1 PROHIBITED DISCHARGE STANDARDS.

A. General Prohibitions. A user shall not introduce or cause to be introduced into the POTW any pollutant or wastewater which acting alone or in conjunction with other substances present in the wastewater causes pass through or interference with the operation of the POTW. These general prohibitions apply to all users whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or pretreatment requirements.

B. Specific Prohibitions. A user shall not introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.

(2) Wastewater having a pH less than 5.0 or more than 12.0, which could cause corrosive structural damage to the POTW or equipment.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference with the operation of or which could cause damage to the POTW, including fats, oils, and grease, wax or other materials which tend to coat and clog a sewer line or other appurtenances thereto.

(4) Pollutants, including oxygen demanding pollutants, such as BOD, COD, and NH_3N, released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater which causes the temperature at the treatment works influent to exceed 104° F (40° C). Unless a higher temperature is allowed in the user's wastewater discharge permit, a user shall not discharge into the POTW wastewater with a temperature exceeding 140° F (60° C).

(6) Total Petroleum Hydrocarbons (TPH), in amounts that will cause interference or pass through and in no case greater than 100 mg/l.

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Trucked or hauled pollutants, except at discharge points designated by the Industrial Pretreatment Engineer in accordance with §3-3-7.

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair, or result in pollution of receiving waters.

(10) 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 consequently imparts color to the treatment plant's effluent, thereby violating the NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.

(a) A user shall not discharge or permit to be discharged any radioactive waste into the POTW.

(b) Hospitals and specialized clinics for radiation treatment may discharge low level radioactive waste when all of the following conditions are met:

(i) A user is authorized to use radioactive materials by the Radiation Protection Bureau of the New Mexico Environment Department, or applicable federal agency;

(ii) The waste is discharged in strict conformity with applicable laws and regulations of the Radiation Protection Bureau or any other agency having jurisdiction; and

(iii) A copy of permits received from the Radiation Protection Bureau or any other agency having jurisdiction has been filed with the Industrial Pretreatment Engineer.

(12) Storm water, surface water, ground water, artesian well water, roof runoff, remediation water, subsurface drainage, street drainage, and basement drainage, unless specifically authorized by the Industrial Pretreatment Engineer.

(a) Clean-up waters from ground water remediation sites or other non-standard industrial permitted sources will not be accepted into the POTW.

(b) Any person requesting a discharge of any non-standard industrial permitted discharge shall prepare a detailed proposal describing the characteristics of the proposed discharge, including toxicity, bio-treatability, analysis of alternatives, hazardous nature, quantity, duration, pass-through potential, POTW biological inhibition potential and any other factors deemed appropriate by the Industrial Pretreatment Engineer.

(c) The Industrial Pretreatment Engineer may, if the discharge is approved, impose monitoring and analysis requirements which may include the requirement that the user test the discharge waters and the POTW influent, effluent and sludge. Extra strength surcharge fees may be applied to any discrete discharge. The Industrial Pretreatment Engineer may deny any discharge request or deny the continuation of a discharge previously approved if in the judgment of the Industrial Pretreatment Engineer the continuance of the discharge will adversely impact the POTW or compliance with the NPDES permit.

13. Sludge, screenings, or other residues from the pretreatment of industrial wastes.

14. Medical wastes, except as specifically authorized by the Industrial Pretreatment Engineer in a wastewater discharge permit.

15. Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a NPDES permit toxicity test.

16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/l.

18. Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.

19. Any pollutant which would result in a violation of any statute, rule, regulation, or Ordinance of any public agency, including discharges prohibited by EPA.

C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

3-2-2 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

A. Users shall comply with the categorical pretreatment standards at 40 CFR Chapter 1, Subchapter N, Sections 405-471. All users subject to a national categorical pretreatment standard shall comply with all requirements of the standard, and any limitations contained in this Ordinance. Where there is a duplication of limitations for the same pollutant, the limitations that are more stringent shall prevail. Compliance with national categorical pretreatment standards for existing sources that are subject to such standards upon the promulgation of such standards or for existing sources that become subject to such standards after the promulgation of such standards shall be required within three (3) 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 standards. 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.

B. Any user who is operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based pretreatment standard shall notify the Industrial Pretreatment Engineer within two (2) business days after the user

has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user who does not notify the Industrial Pretreatment Engineer of the anticipated change shall be required to meet the mass or concentration limits in its wastewater discharge permit that were based on the original estimate of the long term average production.

3-2-3 LOCAL LIMITS.

A. The Industrial Pretreatment Engineer may establish local limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limits are established to protect against pass through and interference. A user shall not discharge wastewater into the POTW containing the following substances in amounts that exceed the following amounts:

	2013 TBLL, Daily Maximum Composite mg/l (unless noted)	2013 TBLL, Monthly Average mg/l (unless noted)
Aluminum	900	-
Ammonia	350.5	103.8
Arsenic	0.051	-
Boron	-	699
Cadmium	0.5	-
Chromium	4.1	-
COD	-	5,139
CBOD	-	2,107
Copper	3.2	-
Cyanide	0.45	-
Fluoride	22.7	9.1
Lead	1	0.92
Mercury	0.004	0.0015
Molybdenum	2	1.2
Nickel	2	-
Selenium	0.25	0.04

Silver	5	-
TSS	-	5514
Zinc	2.2	-
Formaldehyde	100[1]	-
TPH	100[1]	-
Fats, Oils and Grease	200[1]	-
Phenolic	2[1]	-
TTO	None	-
Benzene	0.05[1]	-
BTEX	0.75[1]	-
pH	5.0-12.0 s.u.[1]	-
Temperature	140° F[1]	-

[1] These TBLLs are instantaneous limits and will be monitored via grab samples or online instruments.

C. These limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metals unless indicated otherwise. The Industrial Pretreatment Engineer may impose mass limitations in addition to the concentration-based limitations above.

D. The Industrial Pretreatment Engineer may develop BMPs, by regulation, or in wastewater discharge permits to implement local limits and the requirements of §3-2-1.

3-2-4 DILUTION.

A user shall not 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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or pretreatment requirement. The Industrial Pretreatment Engineer may impose mass limitations on users to meet applicable pretreatment standards or pretreatment requirements.

3-2-5 WASTEWATER ANALYSIS.

When requested by the Industrial Pretreatment Engineer, a user shall submit information about the nature and characteristics of its wastewater discharge. The

Industrial Pretreatment Engineer may prescribe a form for this purpose and may periodically require users to update the information.

3-3. PRETREATMENT OF WASTEWATER

3-3-1 PRETREATMENT FACILITIES.

A. Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in §3-2-1 of this Ordinance within the time limitations specified by EPA, the state, or the Industrial Pretreatment Engineer, whichever is more stringent. Any equipment or facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing the facilities and operating procedures shall be submitted to the Industrial Pretreatment Engineer for review, and shall be approved by the Industrial Pretreatment Engineer before the facilities are constructed. The review of the plans and operating procedures by the Industrial Pretreatment Engineer shall in no way relieve the user of the responsibility for modifying such facilities as necessary to produce a discharge that conforms to the requirements and limitations of this Ordinance.

B. In lieu of wastewater treatment, industrial users may, and are encouraged to reduce, eliminate, or otherwise prevent polluting substances from entering their wastestream through source reduction or waste minimization measures or by utilizing other best management practices.

3-3-2 FATS, OILS, AND GREASE DISCHARGE REQUIREMENTS.

A. Applicability. The Industrial Pretreatment Engineer shall monitor users who hold wastewater discharge permits, automotive shops, vehicle fueling stations, septic tank pumpers, food service establishments, commercial food processors, oil tank firms and transporters, and any other fats, oil, and grease dischargers as deemed appropriate by the Industrial Pretreatment Engineer to accomplish the purposes and objectives of this Ordinance.

B. Compliance. All such dischargers are required to be in compliance with the prohibited pollutant provisions of §3-2-1. In addition to the Industrial Pretreatment Engineer's right of entry to users' premises and facilities as provided in Section 3-7, Compliance Monitoring, FOG dischargers shall provide the Industrial Pretreatment

Engineer unobstructed, direct access to view and inspect the GRS. Unobstructed, direct access includes physically opening the GRS lid or manholes by food service establishment employees. FOG dischargers are subject to monitoring, inspection, reporting, and other requirements as determined by the Industrial Pretreatment Engineer to ensure compliance with all fats, oil, and grease discharge limitations. FOG dischargers are not required to apply for a wastewater discharge permit unless the Industrial Pretreatment Engineer determines that the FOG discharger is a source of prohibited pollutants, toxic pollutants in toxic amounts, extra strength discharges, or are otherwise controlled by federal regulations.

C. Grease Removal System Requirements. All newly constructed and existing FSEs, commercial food processors or other sources shall have installed an adequately sized GRS approved by the appropriate code enforcement authority. These FOG dischargers shall exercise proper kitchen best management practices to ensure that excess concentrations of FOG are not discharged to the POTW. Any new construction, major renovations, or substantial remodeling undertaken by a FOG discharger shall include an accessible service port and/or sample tap for the approved GRS installed. Where a change in business practices results in a significant increase in the loading of FOG discharge, the FSE shall verify and confirm with the applicable code enforcement authority, that the size of the GRS and maintenance schedule is appropriate. If the GRS or maintenance practices are not adequate, the FSE shall make necessary modifications in the GRS or maintenance practices to ensure that excess concentrations of FOG are not discharged to the POTW.

D. Grease Removal System Maintenance. All GRSs shall be maintained and cleaned at appropriate intervals to ensure proper operation and compliance with discharge limitations. Each cleaning of a GRS shall include the evacuation of all contents. At a minimum, GRSs shall be cleaned at least once every six (6) months or whenever the combined thickness of floating greases and settled solids is equal to, or greater than, twenty-five percent (25%) of the total liquid depth in the GRS. The material that is removed in the process of cleaning a GRS shall not be discharged into the POTW, any private sewer, any drainage piping, or storm sewer system. All material

removed shall be handled and disposed of in accordance with applicable federal, state, county and local laws, rules, and regulations.

E. Recordkeeping Requirements/Manifests.

(1) Fats, oil, and grease dischargers shall document all cleaning and maintenance activities performed on the GRS, including pumping manifests. These records shall be maintained for a minimum of three (3) years onsite and shall be made available for inspection and copying by the Industrial Pretreatment Engineer. FOG dischargers shall use only GRS pumping companies that are in compliance with the septage disposal requirements of §3-3-7 and the Water Authority FOG Policy. The Water Authority shall post a list of compliant GRS pumping companies on the Water Authority's web site.

(2) All GRS pumping companies shall provide a FOG discharger with a legible manifest containing the following information: date of cleaning, amount of material removed, anticipated disposition of waste material, cleaning frequency, and any repairs undertaken.

F. GRS Failure. A failure to maintain a GRS that results in an overflow, a partial or complete blockage of a lateral sewer or of a private sewer discharging to the POTW, adversely affects the treatment or transmission capabilities of the POTW, requires excessive maintenance, or poses a possible public health hazard or threat to the environment, is a violation of this Ordinance. The FOG discharger responsible for the facilities shall be liable for the cost to repair any damage to the POTW and any additional costs to operate and maintain the POTW caused by the discharge until the damage is corrected.

3-3-3 DENTAL REQUIREMENTS.

A. Applicability. All non-exempt dental offices shall install an appropriately-sized amalgam separator. Dental offices shall provide, upon request, a certification that the installation, operation, maintenance, and waste recycling or disposal of the amalgam separator is in accordance with the amalgam separator manufacturer's recommendations, ISO 11143, and/or best management practices.

B. Exemptions. The following dental offices are exempt from the requirements of this Section:

(1) A dental office that can demonstrate that it is not engaged in more than three (3) amalgam replacement, removal, or modification events in a 12-month period;

(2) An orthodontist;

(3) A periodontist;

(4) An oral maxillofacial surgeon;

(5) An oral maxillofacial radiologist; or

(6) An oral pathologist.

C. Compliance. Dental offices shall report the model and size of their amalgam separator within ninety (90) days after installation of the separator to the Industrial Pretreatment Engineer. In addition to the Industrial Pretreatment Engineer's right of entry to users' facilities as provided at Section 7, dental offices shall provide the Industrial Pretreatment Engineer unobstructed, direct access to view and inspect the installed amalgam separator. Dental offices are subject to monitoring, inspection, reporting, and other requirements as determined by the Industrial Pretreatment Engineer to ensure compliance with all dental amalgam-separator limitations and best management practices. Dental dischargers are not required to apply for a wastewater discharge permit unless the Industrial Pretreatment Engineer determines that the dental office is a significant source of prohibited pollutants, toxic pollutants in toxic amounts, or is otherwise controlled by federal regulations.

D. Maintenance and Recordkeeping Requirements. Dental offices shall maintain records on-site of the operation, maintenance and recycling or disposal of amalgam waste for the previous three (3) years. If a dental office is exempt from the requirements of the Section, the dental office shall notify the Industrial Pretreatment Engineer that it is exempt.

3-3-4 GARBAGE GRINDERS.

Waste from commercial garbage grinders may be discharged into the POTW where generated in the preparation of food. Such grinders shall shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse.

3-3-5 ADDITIONAL PRETREATMENT MEASURES.

A. Whenever deemed necessary, the Industrial Pretreatment Engineer may require users to restrict discharge during peak flow periods, discharge wastewater designated by the Industrial Pretreatment Engineer only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and monitor the user's compliance with the requirements of this Ordinance.

B. The Industrial Pretreatment Engineer may require any user discharging into the POTW to install and maintain, on the user's premises and at the user's expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. The Industrial Pretreatment Engineer may require any user with the potential to discharge flammable substances into the POTW to install, maintain and keep records for an approved combustible gas detection meter.

3-3-6 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS.

A. Users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharges into the POTW of waste regulated by this Ordinance from liquid or raw material storage areas, from truck or rail car loading and unloading areas, from in-plant transfer or processing and materials handling areas, and from diked areas or holding ponds. Plans, specifications, and operating procedures for such special permit conditions shall be developed by the User and submitted to the Industrial Pretreatment Engineer for review.

B. At least once every two (2) years, the Industrial Pretreatment Engineer shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Industrial Pretreatment Engineer may require any significant industrial user to develop, submit for approval, and implement a plan. Alternatively, the Industrial Pretreatment Engineer may develop a plan for any significant industrial user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Industrial Pretreatment Engineer of any accidental or slug discharge, as required by §3-6-5; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge, including, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, and measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3-3-7 HAULED WASTEWATER REQUIREMENTS.

A. Applicability. Hauled wastewater and holding tank waste may be introduced into the POTW only at locations designated by the Industrial Pretreatment Engineer, and at such times as are established by the Industrial Pretreatment Engineer. Hauled wastewater and holding tank waste shall not violate Section 2.

B. Compliance.

(1) A user who owns vacuum or septic tank-type pumping trucks or other liquid waste transport trucks shall not discharge waste into the POTW, unless the user has received a septic tank discharge or chemical toilet discharge permit from the Industrial Pretreatment Engineer.

(2) Any violation of the terms and conditions of a septic tank discharge or chemical toilet discharge permit is a violation of this Ordinance.

(3) Obtaining a septic tank discharge or chemical toilet discharge permit does not relieve a user of its obligation to comply with all applicable federal, state, and local laws and regulations.

(4) A user owning vacuum or septic tank-type pumping trucks or other liquid waste transport trucks, shall not store any waste in any sort of storage vessel. This limitation shall not apply to collection vehicles which make a last collection of the day too late to discharge to the POTW if the vehicle discharges to the POTW at the beginning of the next day.

C. Recordkeeping/Manifest Requirements. Septage waste haulers shall give the user a waste-tracking form/manifest for every load discharged into the POTW. The form shall include, at a minimum, the name and address of the septage waste hauler, permit number, truck identification, and complete information regarding the names and addresses of sources of waste, volume and characteristics of waste.

3-4. WASTEWATER DISCHARGE PERMITS

3-4-1 PERMIT REQUIREMENTS.

A. A significant industrial user shall not discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Industrial Pretreatment Engineer, except that a significant industrial user that has filed a timely application pursuant to §3-4-2 may continue to discharge for the time period specified in §3-4-2.

B. The Industrial Pretreatment Engineer may require other users to obtain a wastewater discharge permits as may be necessary to carry out the purposes and objectives of this Ordinance.

C. Any violation of the terms and conditions of a wastewater discharge permit is a violation of this Ordinance. Obtaining a wastewater discharge permit does not relieve a user of its obligation to comply with all federal and state pretreatment standards or pretreatment requirements or with any other requirements of federal, state, and local law.

3-4-2 EXISTING CONNECTIONS.

Any user who is required to obtain a wastewater discharge permit, who was discharging wastewater into the POTW prior to the effective date of this Ordinance, who does not have a current wastewater discharge permit, and who wishes to continue discharging into the POTW, shall, within ninety (90) days after the effective date of this Ordinance, apply for a wastewater discharge permit in accordance with §3-4-4, and shall not cause or allow discharges to the POTW to continue after ninety (90) days after the effective date of this Ordinance, except in accordance with a wastewater discharge permit.

3-4-3 NEW CONNECTIONS.

Any user who is required to obtain a wastewater discharge permit and who proposes to begin or recommence discharging into the POTW shall obtain a wastewater discharge permit prior to discharging into the POTW. An application for a wastewater discharge

permit to begin or recommence discharging into the POTW, in accordance with §3-4-5, shall be filed at least ninety (90) days prior to the date upon which any discharge may begin or recommence.

3-4-4 PERMIT APPLICATION.

A. All users who are required to obtain a wastewater discharge permit shall submit an application on a form provided by the Industrial Pretreatment Engineer which shall include the following information:

(1) Identifying Information:

(a) The name and address of the user's facility;

(b) The name of the manager, operator and owner of the facility;

(c) The name of each person who is authorized to make management decisions that govern the operation of each manufacturing, production, or operating facility named in the application, who has the explicit or implicit duty to make major capital investment recommendations, who initiates and directs other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, who can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements, and who has been authorized to sign documents on behalf of the user;

(d) Contact information for each person named in the application pursuant to Subparagraph 1(a) through (c); and

(e) A description of the activities, facilities, and plant production processes on the premises;

(2) A list of any environmental control permits held by or for each facility;

(3) Description of Operations:

(a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operations carried out by the user. The description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;

(b) Types of wastes generated, and 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 POTW;

(c) Number and type of employees and hours of operation;

(d) Type and amount of raw materials processed (average and maximum per day); and

(e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The locations for monitoring all wastes covered by the permit application;

(6) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula in (40 CFR 403.6(e));

(7) Measurement of Pollutants;

(a) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the pretreatment standard or by the Industrial Pretreatment Engineer, of regulated pollutants in the discharge from each regulated process;

(c) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required;

(d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §3-6-1. Where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Industrial Pretreatment Engineer or the applicable pretreatment standards to determine compliance with the pretreatment standard;

(e) Monitoring shall be performed in accordance with procedures set out in §3-6-1; and

(8) Any other information as may be deemed necessary by the Industrial Pretreatment Engineer to evaluate the permit application.

B. Applications that are incomplete or that contain inaccurate information shall not be processed and shall be returned to the user.

3-4-5 SIGNATURES AND CERTIFICATIONS.

A. All applications for a wastewater discharge permits, user reports and certification statements shall be signed by the authorized representative and shall contain the certification statement prescribed by §3-6-13.

B. If the designation of an authorized representative is no longer valid or accurate the user shall submit a new designation of the user's authorized representative to the Industrial Pretreatment Engineer prior to or together with the submittal of any applications, reports, or certifications that the user is required or permitted to file with the Industrial Pretreatment Engineer.

3-4-6 PERMIT EVALUATION.

The Industrial Pretreatment Engineer shall evaluate all data furnished by the user in support of the user's application and may require additional information to determine whether a wastewater discharge permit should be issued. Within thirty (30) days after receipt of a complete permit application, the Industrial Pretreatment Engineer shall determine whether to issue a wastewater discharge permit. The Industrial Pretreatment Engineer may deny an application if:

A. The application is incomplete or contains inaccurate information;

B. The proposed discharge will not meet pretreatment standards or comply with pretreatment requirements;

C. The proposed discharge will cause or will likely cause interference or pass through;

D. The proposed discharge may pose a threat to the health and safety of the Water Authority's personnel and the public or the environment;

E. The user has not completed the installation of all equipment or facilities required by this Ordinance;

F. The equipment or facilities that are installed by the user to comply with this Ordinance, will not operate in a manner that will comply with the requirements of this Ordinance or the proposed wastewater discharge permit; or

G. The proposed discharge will cause or likely cause a violation the NPDES permit, this Ordinance, or a federal, state, local law or regulation.

3-5. WASTEWATER DISCHARGE PERMIT ISSUANCE

3-5-1 PERMIT DURATION.

Wastewater discharge permits shall be issued for a fixed term, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than five (5) years, at the discretion of the Industrial Pretreatment Engineer, if the Industrial Pretreatment Engineer determines that a permit period of less than five (5) years is necessary to accomplish the purposes and objectives of this Ordinance. Each wastewater discharge permit shall indicate a specific date upon which it expires.

3-5-2 PERMIT TERMS AND CONDITIONS.

A. Wastewater discharge permits shall include such conditions as the Industrial Pretreatment Engineer determines are necessary to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect against damage to the POTW, and comply with the NPDES permit.

B. Wastewater discharge permits shall contain:

(1) The issuance date, expiration date, and effective date of the permit;

(2) A statement that the wastewater discharge permit is not transferable without prior notification to the Industrial Pretreatment Engineer in accordance with §3-5-5, and the assumption by the transferee of the terms and conditions of the permit;

(3) Effluent limits and best management practices, based on applicable pretreatment standards, categorical Limits, local limits, and state and local law;

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, which shall include an identification of pollutants or applicable best management practice to be monitored, sampling location, sampling frequency,

analytical methods, detection limits and sample type based on federal, state, and local law;

(5) A statement of assessments that may be imposed for violations of pretreatment standards and pretreatment requirements, and any applicable compliance schedule. The compliance schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law; and

(6) Requirements to control slug discharge, if the Industrial Pretreatment Engineer determines that such requirements are necessary.

C. Wastewater discharge permits may contain the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

(3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the Water Authority's management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal, state, and local pretreatment standards, including those that become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Industrial Pretreatment Engineer to ensure compliance with this Ordinance, the NPDES permit, and federal, state, and local laws, rules, and regulations.

3-5-3 PERMIT RECONSIDERATION.

A. A user may petition the Industrial Pretreatment Engineer to reconsider the terms and conditions of a wastewater discharge permit within thirty (30) days after the permit has been issued.

B. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the right to request reconsideration.

C. In the petition, the user shall indicate the terms and conditions of the wastewater discharge permit that the user objects to, the reasons for the objection, and the alternative terms and condition, if any, the user seeks to incorporate into the wastewater discharge permit.

D. The wastewater discharge permit shall remain in effect and shall not be stayed pending the reconsideration process.

E. If the Industrial Pretreatment Engineer fails to act on the petition for reconsideration within thirty (30) days after receipt of the petition, the request for reconsideration shall be deemed to be denied.

3-5-4 PERMIT MODIFICATION.

A. The Industrial Pretreatment Engineer may modify a wastewater discharge permit for good cause, including the following:

(1) To incorporate new or revised federal, state, or local pretreatment standards or pretreatment requirements;

(2) To address significant alterations or additions to the user's operations, processes, or wastewater volume or character since the time of the wastewater discharge permit was issued;

(3) A change in the POTW 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 the POTW, the Water Authority's personnel, sludge disposal, or the receiving waters;

(5) To address violations of any terms and conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the application for the wastewater discharge permit or in any required monitoring and reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit; or

(9) To reflect a transfer of the ownership or operation of the facility to a new owner or operator in accordance with §3-5-5.

3-5-5 PERMIT TRANSFER.

A. Wastewater discharge permits may be transferred to a new owner or operator of the permitted facility only if the permittee submits notice of intent to transfer the permit at least sixty (60) days prior to the transfer to the Industrial Pretreatment Engineer and the Industrial Pretreatment Engineer approves the transfer. The notice to the Industrial Pretreatment Engineer shall include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer will occur; and

(3) Acknowledges that the new owners understand the terms and conditions of the wastewater discharge permit and assume full responsibility for complying with the permit.

B. Failure to give the Industrial Pretreatment Engineer advance notice of a transfer as provided in this Section renders the wastewater discharge permit void effective as of the date the facility is transferred to the new owner or operator.

3-5-6 PERMIT REVOCATION AND SUSPENSION.

A. The Industrial Pretreatment Engineer may revoke or suspend a wastewater discharge permit if the permittee has:

(1) Failed to notify the Industrial Pretreatment Engineer of significant changes to the quantity and/or quality of wastewater prior to the changed discharge;

(2) Failed to provide prior notification to the Industrial Pretreatment Engineer of changed conditions pursuant to §3-6-4;

(3) Misrepresented or failed to fully disclose all relevant facts in the user's application for the wastewater discharge permit;

(4) Falsified self-monitoring reports and certification statements; Tampered with monitoring equipment;

(5) Refused to allow the Industrial Pretreatment Engineer, or designee, timely access to the user's premises, facility, and records;

(6) Failed to meet effluent limitations;

(7) Failed to pay fees and assessments imposed by this Ordinance;

(8) Failed to pay sewer charges imposed by the Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rate Ordinance;

(9) Failed to meet compliance schedules;

(10) Failed to complete a wastewater survey or application for a wastewater discharge permit;

(11) Failed to provide advance notice of the transfer of the ownership or operation of the permitted facility; or

(12) Violated of any pretreatment standard or pretreatment requirement, any terms of the wastewater discharge permit, or this Ordinance.

B. Prior to revoking or suspending a permit, the Industrial Pretreatment Engineer shall issue to the permittee an order to show cause pursuant to §3-10-4 herein.

C. Wastewater discharge permits are voidable upon the cessation of operations at the permitted facility or the transfer of the ownership or operation of the permitted facility. All wastewater discharge permits issued to a user is void upon the issuance of a new wastewater discharge permit to the user.

3-5-7 PERMIT REISSUANCE.

A user may apply for the reissuance of an expiring wastewater discharge permit by submitting a complete permit application, in accordance with §3-4-4, not less than thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.

3-6. REPORTING REQUIREMENTS

3-6-1 BASELINE MONITORING REPORTS.

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or of the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever date occurs last, existing

categorical industrial users discharging to or scheduled to discharge to the POTW shall submit to the Industrial Pretreatment Engineer a report which contains the information listed in Paragraph B of this Section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the Industrial Pretreatment Engineer a report which contains the information listed in Paragraph B of this Section. The owner or operator of a new source shall report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards and provide estimates of the anticipated quantity and quality of pollutants that will be discharged.

B. The baseline monitoring report required in Paragraph A of this Section shall contain the following information:

(1) All information required in §§3-4-4(A) (1) (a), 3-4-4(A) (2), 3-4-4(A) (3) (a), 3-4-4(A)(6), and 3-4-4(A)(7); and

(2) The results of the measurement of pollutants:

(a) The user shall take a minimum of one (1) representative sample to comply with the requirements of this Section;

(b) Samples shall be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process, if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user shall measure the quantity and quality necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Industrial Pretreatment Engineer;

(c) Sampling and analysis shall be performed in accordance with 40 CFR 136;

(d) The Industrial Pretreatment Engineer may allow the submission of a baseline report that utilizes only historical data as long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(e) The baseline report shall indicate the time, date and place of sampling and methods and method detection limits of analysis. The user shall certify that the sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(3) Compliance Certification. A statement, signed by the user and certified by a professional engineer registered in the State of New Mexico, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and pretreatment requirements.

(4) Compliance Schedule. If additional pretreatment and/or operation and maintenance are required to meet the pretreatment standards, the user shall provide a schedule of the shortest time within which the user will provide the additional pretreatment and/or operation and maintenance. The scheduled completion date shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule shall meet the requirements of §3-6-2.

(5) Signature and Report Certification. All baseline monitoring reports shall be signed by the user and certified as provided in §3-6-13 the authorized representative.

3-6-2 COMPLIANCE SCHEDULE PROGRESS REPORTS.

A. The following conditions shall apply to the compliance schedule required by §3-6-1(B)(4):

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment and/or operation and maintenance required for the user to meet the applicable pretreatment standards, including hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

(2) The user shall submit a progress report to the Industrial Pretreatment Engineer no later than fourteen (14) days after each date in the schedule and the final date of compliance including, as a minimum, whether or not the user

complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

B. In no event shall more than nine (9) months elapse between the submittal of progress reports to the Industrial Pretreatment Engineer.

3-6-3 REPORTS OF COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINES.

A. Within ninety (90) days after the date for final compliance by an existing source with applicable categorical pretreatment standards, or after a new source commences to discharge wastewater into the POTW, any user subject to the pretreatment standards and pretreatment requirements shall submit to the Industrial Pretreatment Engineer a report containing the information required in §§3-4-4(A)(6) and (7) and 3-6-1(B)(2).

(1) For users subject to equivalent mass or concentration limits established in accordance with the procedures in §3-2-2, the report shall contain a reasonable measure of the user's long-term production rate.

(2) For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, the report shall include the user's actual production during the appropriate sampling period.

B. All compliance reports shall be signed and certified in accordance with §3-6-13. All monitoring shall be done in conformance with §3-6-8.

C. Except as specified in §3-6-4(C), all permitted users shall submit, at a frequency determined by the Industrial Pretreatment Engineer, but not less than twice per year (July and January), reports indicating the nature, the concentration of pollutants in the discharge which are limited by pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard require compliance with a BMP or pollution prevention alternative, the user shall submit the documentation required by the Industrial Pretreatment Engineer or the pretreatment standard to determine the compliance status of the user.

D. Users who file electronic documents with the Water Authority to satisfy the requirements of this Section shall comply with the rules and standards adopted by the information technology commission pursuant to the Electronic Authentication of Documents Act, §§14-15-1 et seq. NMSA 1978, and 40-CFR Section 3-3.

3-6-4 REPORTS OF CHANGED CONDITIONS.

A. Each user shall notify the Industrial Pretreatment Engineer of any substantial changes to the user's operations or system which might alter the nature, quantity, or quality, of its wastewater at least sixty (60) days before the change is scheduled to be made.

B. The Industrial Pretreatment Engineer may require the user to submit such information as the Industrial Pretreatment Engineer may deem necessary to evaluate the changed condition, including the submission of an application for a wastewater discharge permit.

C. The Industrial Pretreatment Engineer may issue a wastewater discharge permit or modify an existing wastewater discharge permit to address the changed conditions or anticipated changed conditions.

§3-6-5 REPORTS OF POTENTIAL PROBLEMS.

A. In the case of any discharge, including accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Industrial Pretreatment Engineer of the incident. If the Industrial Pretreatment Engineer cannot be reached, the user shall notify Plant Control at the Southside Water Reclamation Plant. The notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days after such discharge, the user shall, unless waived by the Industrial Pretreatment Engineer, submit a detailed written report describing the causes of the discharge and the measures to be taken by the user to prevent similar future occurrences. Notification by the user of the discharge shall not relieve the user of liability for any expense due to loss, damage, or other liability that might be incurred by the Water Authority as a result of damage to the POTW, natural resources, or persons

or property; nor shall the notification relieve the user of any fees or assessments which may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted at a prominent place on the user's premises advising its employees to call the Industrial Pretreatment Engineer or Plant Control at the Southside Water Reclamation Plant in the event of a discharge described in Paragraph A of this Section. Users shall ensure that all of its employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant industrial users are required to notify the Industrial Pretreatment Engineer immediately of any changes at the user's facility that affect the potential for a slug discharge.

3-6-6 REPORTS FROM UNPERMITTED USERS.

Users who are not required to obtain a wastewater discharge permit shall provide reports regarding the discharge as required by the Industrial Pretreatment Engineer.

3-6-7 ANALYTICAL REQUIREMENTS.

A. All pollutant analyses, including sampling techniques, to be submitted as part of an application for a wastewater discharge permit or report shall be performed in accordance with the techniques prescribed in 40 CFR Section 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Section 136 does not contain sampling or analytical techniques for the pollutant in question, or if the EPA determines that the Section 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures prescribed by the Industrial Pretreatment Engineer.

B. All pollutant analyses, including sampling techniques, that are submitted as part of an application for a wastewater discharge permit or report shall be performed by an EPA approved laboratory, National Environmental Laboratory Accreditation Conference (NELAC), or ISO 17025 accredited laboratory.

3-6-8 MONITORING BY USERS.

A. Samples collected by users to satisfy reporting requirements shall be based on data obtained through appropriate sampling and analysis performed during

the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

B. Except as indicated in Paragraphs C and D of this Section, the user shall collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Industrial Pretreatment Engineer. Where time-proportional composite sampling or grab sampling is authorized by the Industrial Pretreatment Engineer, the samples shall be representative of the discharge. Using protocols, including appropriate preservation, specified in 40 CFR Section 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfide the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other characteristics unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Industrial Pretreatment Engineer, as appropriate. Grab samples may be required to show compliance with instantaneous limits.

C. Monitoring for oil and grease, temperature, pH, cyanide, total phenols, sulfide, and volatile organic compounds shall be obtained using grab collection techniques.

D. For sampling required in support of baseline monitoring and 90-day compliance reports that are required by §§3-6-1 and 3-6-3, a minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; or facilities for which historical sampling data are available, the Industrial Pretreatment Engineer may authorize a lower minimum. For the reports required by §3-6-4, the user shall collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and pretreatment requirements.

3-6-9 NOTICE OF VIOLATION/REPEAT MONITORING AND REPORTING.

If monitoring performed by the user indicates a violation, the user shall notify the Industrial Pretreatment Engineer within twenty-four (24) hours after becoming aware of the violation. The user shall also repeat the monitoring at the user’s expense and

submit the results of the repeat analysis to the Industrial Pretreatment Engineer within thirty (30) days after becoming aware of the violation. Verification monitoring by the user is not required if the Water Authority performs monitoring at the user's facility at least once a month, if the Water Authority performs monitoring at the user's premises between the time the initial monitoring was conducted and the time the user or the Water Authority receives the results of the monitoring, or if the Water Authority has performed the monitoring instead of the user. The user shall pay the costs of verification monitoring conducted by the Water Authority.

3-6-10 NOTICE OF DISCHARGE OF HAZARDOUS WASTE.

A. A user who commences to discharge of hazardous waste into the POTW shall notify the Industrial Pretreatment Engineer, the EPA Regional Waste Management Division Director, and the New Mexico Environment Department, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Section 261. The notification shall include the name of the hazardous waste as set forth in 40 CFR Section 261, the EPA hazardous waste number, and the type of discharge, such as continuous or batch. If the user discharges more than 100 kilograms of such waste per calendar month into the POTW, the notice shall also contain the following information to the extent the information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimate of the mass and concentration of the constituents in the wastestream discharged during that calendar month, and an estimate of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) month. Notices shall be given not later than 180 days after the discharge commences. Notice pursuant to this Section is required only once for each hazardous waste discharge. Notice of changed conditions shall also be given as required by §3-6-4. The notification requirements of this Section do not apply to pollutants that are subject to categorical standards or pretreatment standards required by this Ordinance and that have been reported previously by the user pursuant to the self-monitoring requirements of §§3-6-1 and 3-6-2.

B. A user is exempt from the requirements of Paragraph A of this Section during a calendar month in which the user discharges not more than 15 kilograms of

hazardous wastes into the POTW, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharges of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or any quantify of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires notification one time. The user is not required to give notice in subsequent months during which the user discharges more than 15 kilograms of any hazardous wastes into the POTW.

C. If new regulations are promulgated under §3001 of the federal Resource Conservation and Recovery Act that identify additional characteristics of hazardous waste or that list any additional substances as a hazardous waste, the user shall notify Industrial Pretreatment Engineer, the EPA Regional Waste Management Division Director, and the New Mexico Environment Department of the discharge of such hazardous waste within ninety (90) days after the effective days of the regulations.

D. A user who is required to give notice pursuant to this Section shall certify that the user has a program in place to reduce the volume and toxicity of the hazardous wastes that are generated by the user to the degree that the user has determined to be economically practical.

E. This Section does not create a right to discharge any substance that is not otherwise permitted to be discharged into the POTW by this Section, a wastewater discharge permit, or any applicable federal or state law.

3-6-11 RECEIPT OF REPORTS.

Written reports shall be deemed to have been submitted on the date postmarked by the United States Postal Service. For reports that are not mailed, the reports shall be deemed to have been submitted on the date of receipt by the Industrial Pretreatment Engineer.

3-6-12 RECORDKEEPING.

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established pursuant to §3-2-3(C). Records shall include the date, exact place, method,

and time of sampling, and the name of the person or persons taking the samples; the dates analyses were performed; the name of the person or persons who performed the analyses; the analytical techniques or methods used; and the results of the analyses. The records shall remain available for inspection by the Industrial Pretreatment Engineer for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Water Authority, or when the user has been specifically required by the Industrial Pretreatment Engineer to retain the records for a longer retention period.

3-6-13 CERTIFICATION STATEMENTS.

The following certification statement, signed by the authorized agent, is required to be signed and submitted by users who submit applications for wastewater discharge permits in accordance with §3-4-4; baseline monitoring reports pursuant to §3-6-1(B)(5); reports of compliance with the categorical pretreatment standard deadlines under §3-6-3; and periodic compliance reports required by §3-6-3(A) through (D).

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

3-7. COMPLIANCE MONITORING

3-7-1 ENTRY FOR INSPECTION, SAMPLING, AND MONITORING.

A. The Industrial Pretreatment Engineer shall have the right to enter the premises of any user to inspect and copy records that the user is required to maintain pursuant to this Ordinance, take samples of wastewater, inspect, test, and monitor pretreatment equipment and facilities and operations, determine whether the user is complying with the requirements of this Ordinance and the terms and conditions of the user's wastewater discharge permit or any order issued to the user by the Industrial Pretreatment Engineer, and take corrective action.

B. If the user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary advance arrangements with its security guards so that, upon presentation of identification, the Industrial Pretreatment Engineer will be permitted to enter the premises without delay.

C. The Industrial Pretreatment Engineer shall have the right to set up on the user's premises, or require the installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

D. The Industrial Pretreatment Engineer may require the user to install necessary monitoring equipment. The user shall keep and maintain sampling and monitoring equipment at all times in a safe and operating condition at the user's expense. All devices used to measure wastewater quality and quantity shall be calibrated according to the manufacturer's recommendation at least annually to ensure accuracy.

E. Any obstruction to safe and easy access to the equipment or facility that is to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Industrial Pretreatment Engineer and shall not be replaced. The cost of clearing such access shall be borne by the user.

F. Unreasonable delays in allowing the Industrial Pretreatment Engineer access to the user's premises is a violation of this Ordinance.

3-8. RECORDS

3-8-1 PUBLIC INSPECTION OF RECORDS.

All records, permit applications, reports, information and data obtained by the Water Authority pursuant to this Ordinance may be subject to public inspection and copying as provided in the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 et seq. as amended. A user's request that information or a designated portion of the information provided to the Water Authority be treated as a trade secret or otherwise kept confidential shall be asserted at the time of submission of the information. If the Water Authority receives an IPRA request which implicates the designated information, the Water Authority's sole responsibility regarding the user's request for confidentiality shall be to notify the user of the IPRA request. It shall be the user's responsibility to obtain legal protection from IPRA disclosure from a court of

competent jurisdiction. Without exception, all information received by the Water Authority shall be made available upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the user furnishing the report.

3-9. ANNUAL REPORTING

3-9-1 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The Industrial Pretreatment Engineer shall annually publish, in a newspaper of general circulation in Bernalillo County, New Mexico, a list of significant industrial users who, within the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and pretreatment requirements. Significant noncompliance means:

A. Chronic violations of wastewater discharge limits, defined as violations in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant during a six (6) month period exceed by any magnitude a numeric pretreatment standard or pretreatment requirement, including instantaneous limits;

B. Technical review criteria violations, defined as violations in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant during a six (6) month period equal or exceed the product of the numeric pretreatment standard or retreatment requirement, including instantaneous limits multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment standard or pretreatment requirement that the Industrial Pretreatment Engineer determines has caused, alone or in combination with other discharges, interference or pass through, or endangerment to the health of the Water Authority's personnel or the public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Industrial Pretreatment Engineer's exercise of his emergency authority to halt or prevent the discharge;

E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or

enforcement order issued by the Industrial Pretreatment Engineer for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required report, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports of compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation, including violations of best management practices, which the Industrial Pretreatment Engineer determines will adversely affect the operation or implementation of the pretreatment program.

3-9-2 POTW REPORTS.

The Industrial Pretreatment Engineer shall annually provide the Regional Administrator of the EPA, Region VI with a report that describes the POTW's pretreatment program. The report shall include the following:

A. An updated list of significant industrial users, including the names and addresses of the significant industrial users or, alternatively, a list of deletions and additions keyed to a previously submitted list of significant industrial users with an explanation of each deletion. The list shall identify the significant industrial users who are subject to national categorical pretreatment standards and specify which standards are applicable to each significant industrial user. The list shall indicate which significant industrial users are subject to local limits that are more stringent than the national categorical pretreatment standards. The Industrial Pretreatment Engineer shall also list the significant industrial users that are subject only to local limits;

B. A summary of the status of the compliance by significant industrial users over the reporting period;

C. A summary of compliance and enforcement activities, including inspections, conducted by the Industrial Pretreatment Engineer during the reporting period; and

D. Any other relevant information requested by the Regional Administrator of the EPA, Region VI.

3-10. ENFORCEMENT

3-10-1 NOTICE OF VIOLATION.

When the Industrial Pretreatment Engineer finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment requirement, the Industrial Pretreatment Engineer may serve upon the user a written notice of violation. Within fifteen (15) days after receipt of the notice of violation, the user shall give the Industrial Pretreatment Engineer an explanation of the violation and a plan for correcting and preventing the violation, including the specific actions that may be required. Submission of a plan shall not relieve the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the Industrial Pretreatment Engineer to take any action, including emergency actions or other enforcement actions, without first issuing a notice of violation.

3-10-2 CONCILIATION MEETINGS.

The Industrial Pretreatment Engineer may require users to attend a conciliation meeting to discuss a violation and the methods of correcting and preventing the cause of the violation. If the user and the Industrial Pretreatment Engineer agree upon appropriate remedial and preventative measures, they shall commit the terms of the agreement to writing, together with a compliance schedule. The agreement and compliance schedule shall be incorporated as a supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within a time satisfactory to the Industrial Pretreatment Engineer and a violation continues, the Industrial Pretreatment Engineer may modify, suspend, or revoke the user's wastewater discharge permit.

3-10-3 CONSENT ORDERS.

The Industrial Pretreatment Engineer may enter into consent orders, assurances of compliance, and other similar documents that document an agreement between the Industrial Pretreatment Engineer and a user who is in noncompliance. The agreement shall include specific action to be taken by the user to correct the noncompliance and the time period within which the action will be taken. The agreement shall have the same force and effect as administrative orders issued pursuant to §§3-10-5 and 3-10-6.

3-10-4 SHOW CAUSE HEARINGS.

Prior to revoking or suspending a permit pursuant to §3-5-6 or issuing a Compliance Order, Cease and Desist Order or Termination of Discharge, the Industrial Pretreatment Engineer shall issue a notice of hearing and an order to show cause why the proposed enforcement action should not be taken. The notice of hearing shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such proposed enforcement action, and a request that the user appear at the hearing and show cause why the Industrial Pretreatment Engineer should not take the proposed enforcement action. The notice of hearing shall be served on the user by certified mail at least fifteen (15) days prior to the hearing. A show cause hearing shall be for the sole purpose of allowing the user to reply to the order to show cause and is not an evidentiary hearing.

3-10-5 COMPLIANCE ORDERS.

If the Industrial Pretreatment Engineer finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, an order issued by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment requirement, the Industrial Pretreatment Engineer may issue an order to the user, stating with reasonable specificity the nature of the violation or threatened violation and directing the user to come into compliance within a specified time. If the user does not come into compliance within the specified time, the Water Authority may disconnect the user's water and sewer service, unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may contain additional requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or pretreatment requirement, or relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

3-10-6 CEASE AND DESIST ORDERS.

When the Industrial Pretreatment Engineer finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment requirement, or that the user's prior violations are likely to recur, the Industrial Pretreatment Engineer may issue an order directing the user to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be necessary to properly address the continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

3-10-7 ADMINISTRATIVE ASSESSMENTS.

A. If the Industrial Pretreatment Engineer finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, an order issued by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment requirement, the Industrial Pretreatment Engineer may assess the user an amount not to exceed one thousand dollars ($1,000.00) per day per violation. In the case of monthly or other long-term average discharge limits, assessments shall be made for each day during the period of violation. In determining the amount of an assessment, the Industrial Pretreatment Engineer shall take into account all relevant circumstances, including the costs incurred by the Water Authority and the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, the corrective actions taken by the user, the compliance history of the user, good faith efforts of the user to comply with applicable requirements, and any other factors that bare on the nature and seriousness of the violation.

B. The Industrial Pretreatment Engineer may assess users for costs associated with the implementation and enforcement of this Ordinance, including but not limited to, monitoring and compliance expenses, sampling and testing expenses, laboratory analysis charges, attorneys' fees, court costs, and costs to cure or remedy damages to the POTW caused by a user's violation.

C. The Industrial Pretreatment Engineer may impose the assessments authorized by this Section on a user by mailing a notice of assessment by certified mail to the user. If the user fails to pay the assessment with thirty (30) days, the Industrial Pretreatment Engineer may file an action in a court of competent jurisdiction to recover the assessment, together with court costs and a reasonable attorney fee.

D. Payment of assessments imposed pursuant to this Section is a condition of service and failure to pay the assessments is grounds for suspension or termination of water and wastewater service to the user's premises.

E. The imposition of an administrative assessment shall not be a bar against, or a prerequisite for, taking any other action against the user.

3-10-8 EMERGENCY SUSPENSIONS.

A. The Industrial Pretreatment Engineer may immediately suspend a user's discharge, after informal notice to the user, if suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Industrial Pretreatment Engineer may immediately suspend a user's discharge, after notice and opportunity to respond, if the discharge threatens to interfere with the operation of the POTW, or presents, or may present, an endangerment to the environment.

B. A user who has been notified of the suspension of its discharge shall immediately stop or eliminate the discharge. If the user fails to immediately comply with the suspension order, the Industrial Pretreatment Engineer may take such steps as are deemed necessary to stop the discharge, including the immediate severance of the sewer connection or water supply from the user's premises, to prevent or minimize damage to the POTW or the endangerment to any persons. The Industrial Pretreatment Engineer may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Industrial Pretreatment Engineer that the period of endangerment has passed, unless termination proceedings pursuant to §3-10-9 have been or will be initiated against the user.

C. A user who is responsible, in whole or in part, for any discharge that presents imminent endangerment to persons or the environment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures

taken by the user to prevent any future occurrences, to the Industrial Pretreatment Engineer prior to the date of any show cause or termination hearing under §§3-10-4 or 3-10-9.

D. Nothing in this Section shall be interpreted as requiring a hearing prior to an emergency suspension under this Section.

3-10-9 TERMINATION OF DISCHARGE.

A. In addition to the revocation or suspension of a user's wastewater discharge permit pursuant to §3-5-6, a user who violates the following conditions is subject to termination of the user's wastewater and or water services:

(1) Violation of a condition in a wastewater discharge permit;

(2) Failure to accurately report the wastewater constituents and characteristics of the user's discharge;

(3) Failure to report significant changes in the user's operations or wastewater volume, constituents, and characteristics prior to discharge;

(4) Refusal to grant reasonable access to the user's premises for the purposes of records inspection, inspection equipment and facilities, monitoring, or sampling;

(5) Failure to pay assessments imposed by the Industrial Pretreatment Engineer pursuant to §3-10-7; or

(6) Violation of this Ordinance or pretreatment standards.

B. The Industrial Pretreatment Engineer shall give a user who has violated a condition listed in Paragraph A of this Section a notice of hearing and an order to show cause why the user's wastewater and water services should not be terminated. The service of a notice of termination of wastewater and water services on the user shall not be a bar to, or a prerequisite for, taking any other action against the user.

3-10-10 INJUNCTIVE RELIEF.

If the Industrial Pretreatment Engineer finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, an order issued by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment requirement, the Industrial Pretreatment Engineer may petition the district court for the issuance of a temporary or permanent injunction, to enjoin the user from continuing the

violation or to compel the user to take the action necessary to prevent the violation in the future. The Industrial Pretreatment Engineer may seek such legal or equitable relief as may be appropriate, including an order of the court that the user conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

3-10-11 REMEDIES ARE NOT EXCLUSIVE.

The remedies provided for in this Ordinance are not exclusive. The Industrial Pretreatment Engineer may take any, all, or any combination of enforcement actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Water Authority's Enforcement Response Plan. The Industrial Pretreatment Engineer may take other action against a noncompliant user when the circumstances warrant. The Industrial Pretreatment Engineer may take more than one (1) enforcement action against a noncompliant user.

3-11. REVIEW OF ADMINISTRATIVE ACTIONS

3-11-1 ADMINISTRATIVE HEARINGS.

A. Any user who is adversely affected by a decision of the Industrial Pretreatment Engineer to deny, suspend, revoke a wastewater discharge permit, an order of the Industrial Pretreatment Engineer, or any other decision or ruling of the Industrial Pretreatment Engineer may request relief from the Executive Director or his/her designee by filing an appeal. An appeal shall be submitted to the Executive Director not later than fifteen (15) calendar days after date of the challenged decision or order. The appeal shall be in writing, identify the decision or order that the user objects to, and contain a statement of the reasons for the user's objection and the relief requested.

B. Upon receipt of an appeal, a filing fee of $50 shall be added to the user's water bill and the Executive Director or his/her designee shall issue written notice by certified mail, return receipt requested, to user of the time and place of the appeal hearing.

C. All appeal hearings shall be recorded and the burden of proof shall be upon the Industrial Pretreatment Engineer to sustain the decision or order. At the hearing, the user and the Industrial Pretreatment Engineer shall each be given a

reasonable opportunity to submit data, records and other documents and to present their views and arguments orally or in writing. The Executive Director or his/her designee shall make and preserve a complete record of the proceedings. Based on the evidence presented at the hearing, the Executive Director or his/her designee shall issue a written decision sustaining, modifying, or reversing the decision or order of the Industrial Pretreatment Engineer. The decision shall be in writing and shall contain a statement of the facts upon which the decision is based.

D. Neither the filing of a request for an appeal hearing nor the pendency of a hearing shall stay the decision or order of the Industrial Pretreatment Engineer or be a bar against, or a prerequisite for, taking any other action against the user.

3-11-2 Judicial Review. The exclusive remedy for parties dissatisfied with the decision of the Executive Director or his/her designee shall be the filing of a petition for a writ of certiorari with the State District Court. The petition for review shall be limited to the record made at the administrative hearing held pursuant to this article.

3-12. SUPPLEMENTAL ENFORCEMENT ACTIONS

3-12-1 LIABILITY INSURANCE.

The Industrial Pretreatment Engineer may decline to issue or reissue a wastewater discharge permit to a user who has failed to comply with this Ordinance, a prior wastewater discharge permit, or an order issued by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment requirement, until the user submits proof that it has obtained financial assurances sufficient to restore or repair any potential damage to the POTW caused by the user's discharge.

3-12-2 PAYMENT OF FEES AND ASSESSMENTS.

The Industrial Pretreatment Engineer may decline to issue or reissue a wastewater discharge permit to a user who has failed to pay any outstanding fees, damages, or assessments incurred by the user under this Ordinance, a prior wastewater discharge permit, or an order issued by the Industrial Pretreatment Engineer.

3-12-3 CONTRACTOR LISTING.

Users who have not achieved compliance with applicable pretreatment standards and pretreatment requirements are not eligible to receive a contractual award for the sale of goods or services to the Water Authority. Existing contracts for the sale of goods or

services to the Water Authority held by a user who is found to be in significant noncompliance with pretreatment standards or pretreatment requirements may be terminated at the discretion of the Executive Director.

3-13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

3-13-1 UPSET.

A. An upset is an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Paragraph C of this Section are satisfied.

B. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

(1) An upset occurred and the user has identified the cause of the upset;

(2) The user's facility was being operated at the time of the upset in a prudent manner and in compliance with applicable operation and maintenance procedures; and

(3) The user submitted the following information to the Industrial Pretreatment Engineer within twenty-four (24) hours after becoming aware of the upset or, if the information is provided orally, a written submission was provided within five (5) days:

(4) A description of the indirect discharge and cause of noncompliance; The period of noncompliance, including the exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(5) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(6) In any enforcement proceeding, the user who is seeking to establish the occurrence of an upset shall have the burden of proof.

D. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

E. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of the user's treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

3-13-2 LACK OF KNOWLEDGE.

A. Lack of knowledge is an affirmative defense to an enforcement action brought against it for noncompliance with §3-2-1(A) or §3-2-1(B)(3) through (7), and (9) through (18) if the user proves that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit immediately prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Water Authority was regularly in compliance with the NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

3-13-3 BYPASS.

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be

expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not violate pretreatment standards or pretreatment requirements, but only if the bypass is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of Paragraphs C and D of this Section.

C. Bypass Notification

(1) If a user knows in advance of the need for a bypass, it shall give notice to the Industrial Pretreatment Engineer at least ten (10) days before the date of the bypass, if possible.

(2) A user shall give oral notice to the Industrial Pretreatment Engineer of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours after the time the user becomes aware of the bypass, followed by a written report of the bypass within five (5) days after the date the user became aware of the bypass. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Industrial Pretreatment Engineer may waive the written report on a case-by-case basis if the oral notice has been received within twenty-four (24) hours.

D. Bypass is prohibited, and the Industrial Pretreatment Engineer may take an enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The user submitted notices as required by Paragraph C of this Section.

E. The Industrial Pretreatment Engineer may approve an anticipated bypass, after considering its adverse effects, if the Industrial Pretreatment Engineer determines that it will meet the conditions listed in Paragraph D of this Section.

Section 2. SEVERABILITY CLAUSE. If any Section, paragraph, sentence, clause, work or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Water Authority hereby declares that it would have passed this Ordinance and each Section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 3. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall become effective July 1, 2014 after publication by title and general summary.