

Meeting Date: June 23, 2021

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TITLE: **O-21-2 – Amending the Albuquerque Bernalillo County Water Utility Authority Sewer Use and Wastewater Control Ordinance to Update the Local Sewer Pollutant Limits for Industries, to Revise Definitions to Match the Current Rate Ordinance, to Update Discharge Requirements for Dental Facilities, Waste Haulers, and Businesses that Can Discharge Fats, Oils, Grease and Solids to the Sewer**

ACTION: **Recommend Approval**

SUMMARY:

This Legislation amends the Albuquerque Bernalillo County Water Utility Authority (Water Authority) Sewer and Wastewater Control Ordinance to update the definitions, local pollutant limits and regulatory requirements.

This Ordinance amendment is the result of an Environmental Protection Agency (EPA) requirement to evaluate local pollution limits for industries every five (5) years. The technical evaluation determined that three (3) pollutant limits may be increased because of reduced flow and amount of pollutants being sent to the Reclamation Plant and because of improvements in plant removal efficiency.

The Ordinance is amended to establish definitions that are consistent with the Rate Ordinance and the local Plumbing Code.

In addition, the Ordinance is amended to include the 2017 federal EPA Dental Rule updates, revised requirements for waste haulers and enforcement language that matches federal regulation.

Finally, the Ordinance is revised to add a Solids category to the Fats, Oils, and Grease discharge requirements to improve the ability to respond to and prevent more types of sewer blockages.

FISCAL IMPACT:

None

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. O-21-2

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

11 3-1 GENERAL PROVISIONS

12 3-1-1 SHORT TITLE.

13 This Ordinance shall be known and may be cited as the "Sewer Use and Wastewater
14 Control Ordinance."

15 3-1-2 PURPOSE AND POLICY.

16 A. This Ordinance sets forth uniform requirements for and applies to all users
17 of the Publicly Owned Treatment Work (POTW).

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

23 C. The objectives of this Ordinance are to:

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

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

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

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

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

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

16 3-1-3 ABBREVIATIONS.

17 BOD Biochemical Oxygen Demand

18 BMP Best Management Practice

19 °C Degrees Centigrade or Celsius

20 CFR Code of Federal Regulations

21 COD Chemical Oxygen Demand

22 ESSC Extra Strength Surcharge

23 EPA U.S. Environmental Protection Agency

24 °F Degrees Fahrenheit

25 FOGS Fats, Oils, and Grease, and Solids

26 FSE Food Service Establishment

27 gpd gallons per day

28 GIGRS Grease Interceptor Removal System

29 mg/l milligrams per liter

30 NH₃N Ammonia Nitrogen

1	NPDES	National Pollutant Discharge Elimination System
2	POTW	Publicly Owned Treatment Works
3	TPH	Total Petroleum Hydrocarbons
4	TSS	Total Suspended Solids
5	TTO	Total Toxic Organics
6	USC	United States Code

7 3-1-4 DEFINITIONS.

8 As used in the Sewer Use and Wastewater Control Ordinance:

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

11 AMMONIA NITROGEN (NH3N). Total Ammonia – A measure of the total ammonia as
12 nitrogen concentration as milligrams per liter (mg/L) by Standard Methods or EPA approved
13 procedures.

14 AUTHORIZED REPRESENTATIVE.

15 A. If the user is a corporation:

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

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

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

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

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

1 BASELINE MONITORING REPORT (BMR). A report submitted by a user to the

2 Industrial Pretreatment Engineer pursuant to §§3-2-5 or 3-6-1 or other provisions of this
3 Ordinance containing information relating to the nature and concentration of pollutants
4 and flow characteristics of the discharge from the user to the POTW using standard
5 laboratory and sample collection methods approved by the Industrial Pretreatment
6 Engineer.

7 BEST MANAGEMENT PRACTICES (BMP). Schedules of activities, prohibitions

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

16 BIOCHEMICAL OXYGEN DEMAND (BODor CBOD). The quantity of oxygen

17 utilized in the biochemical oxidation of carbonaceous (organic) matter under standard
18 laboratory procedures for five (5) days at 20°C, usually expressed as a concentration
19 (e.g., mg/l).

20 BYPASS. The diversion of waste streams or wastewaters from any portion of a

21 user's wastewater treatment equipment or pretreatment facility.

22 CATEGORICAL INDUSTRIAL USER. An Industrial User subject to a categorical

23 pretreatment standard.

24 CATEGORICAL PRETREATMENT STANDARD. Pollutant discharge limits

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

28 CHEMICAL OXYGEN DEMAND (COD). A measure of the oxygen-consuming

29 capacity of required to oxidize all compounds, both organic and inorganic matter present
30 in wastewater as milligrams per liter (mg/L) by Standard Methods procedures.

1 COMMERCIAL. Retail, offices, hotels, motels, shopping centers, none of which
2 use process water in the conduct of business.

3 COMPOSITE SAMPLE. A sample that is collected over time and formed by
4 continuous sampling or by mixing of discrete sampling aliquots. Composites formed by
5 mixing discrete sampling aliquots shall be collected on a time proportional or flow
6 proportional basis.

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

13 DAILY MAXIMUM LIMIT. The maximum allowable discharge limit of a pollutant
14 during a calendar day.

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

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

22 DOMESTIC WASTEWATER. Effluent which contains constituents and
23 characteristics similar to effluent from a residence and specifically for the purposes of this
24 Ordinance does not exceed any of the following concentrations:

25 COD = 500mg/l.

26 BOD = 250 mg/l.

27 TSS = 330 mg/l.

28 NH₃N = 25 mg/l.

29 ENFORCEMENT RESPONSE PLAN (ERP). A plan that establishes an equitable
30 and consistent system of escalating enforcement responses to all identified instances of

1 noncompliance with this Ordinance, a wastewater discharge permit, industrial
2 pretreatment program policy or best management practices.

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

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

8 EXISTING SOURCE. Any source of discharge that is not a new source.

9 EXTRA-STRENGTH SURCHARGE (ESSC). All Customers discharging
10 wastewater into the POTW are subject to a surcharge if the discharged wastewater
11 exceeds normal domestic wastewater strength. Refer to Extra Strength Surcharges in
12 Sewer Rates section of the Rate Ordinance for ESSC rates.

13 FATS, OILS, AND GREASE (FOG). Those components of wastewater measured
14 by methods approved by 40 CFR 136, including polar fats, oils, grease, and other
15 components extracted from wastewater by those methods, and excluding the non-polar
16 fraction.

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

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

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

28 GRAVITY GREASE INTERCEPTORS (GGI). A plumbing appurtenance or
29 appliance that is installed in a sanitary drainage system to intercept non-petroleum fats,
30 oils and greases (FOG) from a wastewater discharge and is identified by volume, thirty

1 (30) minute retention time, baffle(s), a minimum of two (2) compartments, a minimum total
2 volume of 300 gallons and gravity separation.

3 **GREASE INTERCEPTOR (GI).** Grease Removal System (GRS). Any A
4 pretreatment device designed for, and intended for, separating, collecting, and removing
5 waterborne FOG Fats, Oils, and Grease and settleable solids prior to discharging to the
6 POTW. Also known as an Interceptor, Clarifier, Separator, Grease Trap, Oil Water
7 Separator, Solids Separator/Interceptor, Grease Removal System/Device.

8 **HOLDING TANK WASTE.** Any waste from holding tanks such as vessels,
9 chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

10 **HYDROMECHANICAL GREASE INTERCEPTORS (HGI)** - A plumbing
11 appurtenance or appliance that is installed in a sanitary drainage system to intercept non-
12 petroleum fats, oils and greases (FOG) from a wastewater discharge and is identified by
13 flow rate, and separation and retention efficiency. The design incorporates air
14 entrainment, hydromechanical separation, interior baffling, and/or barriers in combination
15 or separately, and one of the following:

- 16 A. External flow control, with air intake (vent): directly connected.
- 17 B. External flow control, without air intake (vent): directly connected.
- 18 C. Without external flow control, directly connected.
- 19 D. Without external flow control, indirectly connected.

20 **INDIRECT DISCHARGE.** The introduction of pollutants into the POTW from any
21 nondomestic source.

22 **INDUSTRIAL PRETREATMENT ENGINEER.** The person designated by the
23 Executive Director to supervise the operation of the approved Industrial Pretreatment
24 Program pretreatment program and the implementation and enforcement of this
25 Ordinance. The term Industrial Pretreatment Engineer also refers to any other persons
26 designated by the Executive Director to assist the Industrial Pretreatment Engineer
27 implement and enforce this Ordinance.

28 **INDUSTRIAL PRETREATMENT PROGRAM (IPP).** Required by EPA regulations
29 (40 CFR 403) as part of the NPDES permit for the SWRP to:

- 30 A. Protect the receiving water, the Rio Grande

- 1 B. Protect the biosolids which are composted at the Soil Amendment Facility
- 2 C. Protect the sewer collection system
- 3 D. Protect SWRP workers including those who work on the collection system
- 4 E. Prevent pass-through or interference with the wastewater treatment
process

6 INDUSTRIAL USER. Manufacturing, or process facility which is engaged in
7 producing a product.

8 INDUSTRIAL WASTE. Waste resulting from any process of industry,
9 manufacturing, trade, or business, or from the development, recovery, or processing of
10 natural resources.

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

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

25 INTERIM SAMPLING/MONITORING. Verification sampling that is conducted
26 while an Industrial User is non-compliant, in the interim, until they are returned to
27 compliance. An interim sample will typically be collected within thirty (30) days after the
28 initial violation is detected to verify if the violation is an acute or chronic problem. This
29 monitoring is a requirement of the 40 CFR and Enforcement Response Plan and is

1 typically conducted monthly but can be increased at the Industrial Pretreatment Engineers
2 discretion, based on the Industrial User progress towards compliance.

3 LATERAL SEWER. An individual user's Lateral Sewer. A user's sewer pipe
4 beginning at the POTW system and extending to the premises served. ~~by the sewer pipe.~~
5 The lateral sewer includes the stub to which a user connects ~~the sewer pipe~~ to the POTW
6 and all appurtenances on such lateral sewer. The user is responsible for the maintenance
7 of the lateral sewer including those portions that may be within any right-of-way. The term
8 is interchangeable with "system and is commonly known as a house service connection."
9 "sewer service line," or "building sewer".

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

13 MASS EMISSION RATE. The weight of material discharged to the POTW during
14 a given time interval. Unless otherwise specified, the mass emission rate shall mean
15 pounds per day of the particular constituent or combination of constituents.

16 MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration (or
17 loading) of a pollutant allowed to be discharged at any time.

18 MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood
19 products, pathological wastes, sharps, body parts, contaminated bedding, surgical
20 wastes, potentially contaminated laboratory wastes, dialysis wastes, and any other
21 biohazardous waste materials.

22 MONTHLY AVERAGE. The sum of four (4) or more daily discharges measured
23 during a calendar month divided by the number of daily discharges measured during that
24 month.

25 MONTHLY AVERAGE LIMIT. The highest allowable average of daily discharges
26 over a calendar month, calculated as the sum of four (4) or more daily discharges
27 measured during a calendar month divided by the number of daily discharges measured
28 during that month.

29 NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Pollutant
30 discharge limits contained in any regulation promulgated by the EPA in accordance with

1 §307(b) and (c) of the Act (33 USC §1347) which applies to users. These terms include
2 prohibitive discharge limits established pursuant to 40 CFR 403.5 of EPA's General
3 Pretreatment Regulations.

4 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
5 (NPDES Permit). A permit issued to the POTW pursuant to §402 of the Act.

6 NEW SOURCE.

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

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

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

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

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

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

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

30 H. Any placement, assembly, or installation of facilities or equipment; or

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

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

9 NONCONTACT COOLING WATER. Water used for cooling that does not come
10 into direct contact with any raw material, intermediate product, waste product, or finished
11 product.

12 NONDOMESTIC WASTEWATER. All waterborne solids, liquids, or gaseous
13 wastes resulting from any commercial, industrial, or institutional activity as classified in
14 the Ordinance, and distinct from domestic wastewater.

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

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

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

24 PERSON. Any individual, partnership, co-partnership, firm, company, corporation,
25 association, joint stock company, trust, estate, governmental person, or any other legal
26 person, or their legal representatives, agents or assigns. The masculine gender shall
27 include the feminine and the singular shall include the plural where indicated by the
28 context.

29 PH. A measure of the acidity or alkalinity of a solution expressed in standard units.

1 POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash,
2 sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes,
3 biological materials, radioactive materials, heat, wrecked or discarded equipment, rock,
4 sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics, such
5 as pH, temperature, TSS, turbidity, color, BOD, COD, NH₃N, FOG, toxicity, or odor.

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

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

15 PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement
16 related to pretreatment imposed on a user, other than a pretreatment standard.

17 PRETREATMENT STANDARDS. Prohibited discharge standards, categorical
18 pretreatment standards, and local limits.

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

23 PROHIBITED DISCHARGE STANDARDS. The prohibitions against the discharge
24 of certain substances in Section 3-2-1.

25 PUBLICLY OWNED TREATMENT WORKS (POTW). The wastewater system
26 owned by the Water Authority, including the wastewater reclamation plant and any
27 devices and systems used by the Water Authority in the collection, storage, treatment,
28 recycling and reclamation of domestic and nondomestic wastewater, including
29 interceptor sewers, outfall sewers, sewage collection systems, pumping, power, and other
30 equipment and appurtenances; extensions, improvements, remodeling, additions and

1 alterations thereof; and any works, including land that shall be an integral part of the
2 treatment process or used for the ultimate disposal of residues resulting from treatment.

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

5 SAMPLING; METERING MANHOLE. A suitable control manhole or cleanout
6 together with such necessary meter and other appurtenances in the lateral sewer to
7 facilitate observation, sampling, and measurement of the wastes leaving the private
8 Industrial User facility and entering then POTW.

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

11 SEWAGE. Human excrement and gray water, such as household showers,
12 dishwashing operations.

13 SIGNIFICANT INDUSTRIAL USER.

14 1. A user subject to categorical pretreatment standards; or

15 2. A user that:

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

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

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

25 (d) Upon a finding that a user meeting the criteria in
26 Subparagraph 2 of this paragraph has no reasonable potential for adversely affecting the
27 POTW's operation or for violating any pretreatment standard or pretreatment
28 requirement, the Industrial Pretreatment Engineer may at any time, on his own initiative
29 or in response to a petition from a user, and in accordance with procedures in 40 CFR
30 403.8(f)(6), determine that the user should not be considered a significant industrial user.

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

7 STANDARD INDUSTRIAL CLASSIFICATION. A classification pursuant to the
8 Standard Industrial Classification Manual issued by the United States Office of
9 Management and Budget.

10 STORM SEWER. A sewer which carries storm and surface waters and drainage
11 but excludes wastewater and industrial wastes.

12 STORM WATER. Any flow occurring during or following any form of natural
13 precipitation and resulting therefrom.

14 TIME-PROPORTIONAL COMPOSITE SAMPLE. A sample consisting of several
15 portions of the user's discharge collected during a 24-hour period in which each portion
16 of the sample is collected within a specified time frame that is irrespective of flow. The
17 time period may be less than twenty four (24) hours to correspond with actual hours of
18 operation.

19 TOTAL METALS. The sum of the concentrations of Copper (Cu), Nickel (Ni), Total
20 Chromium (Cr) and Zinc (Zn).

21 TOTAL PETROLEUM HYDROCARBONS (TPH). Those components of
22 wastewater measured by methods approved by 40 CFR 136, including non-polar
23 petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin oils, and
24 other components extracted from wastewater by those methods, and excluding the polar
25 fraction.

26 TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that floats on
27 the surface of, or is suspended in, water, wastewater or other liquids. Those solids, and
28 which are retained is removable by a filtration in accordance with standard glass fiber
29 filter and dried to constant weight at 217 - 221°F (103 – 105° C). expressed in milligrams
30 per liter (mg/l), by Standard Methods laboratory procedures.

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

6 **TOXIC POLLUTANT** Any pollutant or combination of pollutants listed as toxic in
7 regulations promulgated by the Administrator of the EPA under the provisions of 33 USC
8 1317 and any pollutant which is not compatible with the POTW and the NPDES permit in
9 the opinion of the Industrial Pretreatment Engineer.

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

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

18 **WATER AUTHORITY.** The Albuquerque Bernalillo County Water Utility Authority.

19 **WASTEWATER.** The used water of a community. Such used water may be a
20 combination of the liquid waterborne wastes from residences, commercial buildings,
21 industrial plants and institutions, whether treated or untreated, discharged into or
22 permitted to enter the POTW.

23 **WASTEWATER CONSTITUENTS AND CHARACTERISTICS.** The individual
24 chemical, physical, bacteriological and radiological characteristics, including volume and
25 flow rate and such other characteristics that serve to define, classify or measure the
26 contents, quality, quantity and strength of wastewater.

27 **WASTEWATER DISCHARGE PERMIT.** A permit authorizing a user to discharge
28 prohibited pollutants into the POTW upon the condition that the user complies with the
29 terms and conditions of the permit and the provisions of this Ordinance, including the

1 obligation to fulfill all reporting requirements of the permit and to discharge pollutants at
2 concentrations no greater than the concentrations listed in the permit.

3 3-1-5 ADMINISTRATION.

4 The Executive Director shall administer, implement, and enforce this Ordinance. The
5 Executive Director may promulgate regulations to implement and carry out the provisions
6 of this Ordinance, The Executive Director shall establish a schedule of fees sufficient to
7 recover the reasonable costs of reviewing and acting on any application for a wastewater
8 discharge permit, monitoring compliance with this wastewater discharge permits and this
9 Ordinance, including, but not limited to, inspections, taking samples, analyzing samples,
10 and reviewing pretreatment plans and BMPs; and hearings. Any powers granted to or
11 duties imposed upon the Executive Director may be delegated by the Executive Director.
12 The Executive Director shall appoint the Industrial Pretreatment Engineer and any other
13 persons to assist with the administration and enforcement this Ordinance, ~~including~~
14 ~~Pretreatment Inspectors~~. The Executive Director may appoint independent hearing
15 officers to hear appeals from actions taken by the Industrial Pretreatment Engineer and
16 any other matters arising under this Ordinance.

17 3-2 GENERAL SEWER USE REQUIREMENTS

18 3-2-1 PROHIBITED DISCHARGE STANDARDS.

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

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

27 (1) Pollutants which create a fire or explosion hazard in the POTW,
28 including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°
29 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.

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

16 (6) Total Petroleum Hydrocarbons (TPH), in amounts that will cause
17 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.

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

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

(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

1 Industrial Pretreatment Engineer may deny any discharge request or deny the
2 continuation of a discharge previously approved if in the judgment of the Industrial
3 Pretreatment Engineer the continuance of the discharge will adversely impact the POTW
4 or compliance with the NPDES permit.

5 (13) Sludge, screenings, or other residues from the pretreatment of
6 industrial wastes.

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

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

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

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

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

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

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

23 3-2-2 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

24 A. Users shall comply with the categorical pretreatment standards at 40 CFR
25 Chapter 1, Subchapter N, Sections 405-471. All users subject to a national categorical
26 pretreatment standard shall comply with all requirements of the standard, and any
27 limitations contained in this Ordinance. Where there is a duplication of limitations for the
28 same pollutant, the limitations that are more stringent shall prevail. Compliance with
29 national categorical pretreatment standards for existing sources that are subject to such
30 standards upon the promulgation of such standards or for existing sources that become

1 subject to such standards after the promulgation of such standards shall be required
2 within three (3) years following promulgation of the standards unless a shorter compliance
3 time is specified in the standards. Compliance with national categorical pretreatment
4 standards for new sources shall be required upon promulgation of the standards. Except
5 where expressly authorized by an applicable national categorical pretreatment standard,
6 no user shall increase the use of process water or in any way attempt to dilute a discharge
7 as a partial or complete substitution for adequate treatment to achieve compliance with
8 such standard.

9 B. Any user who is operating under a permit incorporating equivalent mass or
10 concentration limits calculated from a production-based pretreatment standard shall notify
11 the Industrial Pretreatment Engineer within two (2) business days after the user has a
12 reasonable basis to know that the production level will significantly change within the next
13 calendar month. Any user who does not notify the Industrial Pretreatment Engineer of
14 the anticipated change shall be required to meet the mass or concentration limits in its
15 wastewater discharge permit that were based on the original estimate of the long-term
16 average production.

17 3-2-3 LOCAL LIMITS.

18 A. The Industrial Pretreatment Engineer may establish local limits pursuant to
19 40 CFR 403.5(c).

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

<u>Pollutant</u>	<u>2020</u> TBLL, Maximum Composite mg/L (unless noted)	<u>2013</u> Daily	<u>2020</u> TBLL, Monthly Average mg/L (unless noted)
Aluminum	900	-	
Ammonia	350.5	103.8	

Arsenic	0.0510	-
Boron	-	699
Cadmium	0.500	-
Chromium	4.10	-
COD	<u>16,543</u>	<u>6,743</u> 5,139
CBOD	<u>7,030</u>	<u>2,855</u> 2,107
Copper	<u>3.17</u> 3.2	-
Cyanide	0.450	-
Fluoride	22.7	<u>9.06</u> 9.1
Lead	<u>1.00</u>	<u>0.920</u>
Mercury	0.0040	0.0015
Molybdenum	<u>2.00</u>	<u>1.23</u>
Nickel	<u>2.00</u>	-
Selenium	<u>0.253</u>	<u>0.0395</u>
Silver	5.00	-
TSS	<u>18,719</u>	<u>11,101</u> 5514
Zinc	<u>2.20</u>	-
Formaldehyde	100 ¹	-
TPH	100 ¹	-
<u>FOG</u> Fats, Oils and	200 ¹	-
<u>Total Phenolic Compounds</u>	<u>2.00</u> ¹	-
TTQ	<u>None</u>	
Benzene	0.050 ¹	-
BTEX	0.750 ¹	-
pH	5.0 - 12.0 s.u. ¹	-
Temperature	140° F ¹	-

1 ¹ These TBLLs are instantaneous limits and will be monitored via grab samples, or online
2 or field instruments.

3 C. These limits apply at the point where the wastewater is discharged to the
4 POTW. All concentrations for metallic substances are for total metals unless indicated

1 otherwise. The Industrial Pretreatment Engineer may impose mass limitations in addition
2 to the concentration-based limitations above.

3 D. The Industrial Pretreatment Engineer may develop BMPs, by regulation, or
4 in wastewater discharge permits to implement local limits and the requirements of §3-2-
5 1.

6 **3-2-4 DILUTION.**

7 A user shall not increase the use of process water, or in any way attempt to dilute a
8 discharge, as a partial or complete substitute for adequate treatment to achieve
9 compliance with a discharge limitation unless expressly authorized by an applicable
10 pretreatment standard or pretreatment requirement. The Industrial Pretreatment
11 Engineer may impose mass limitations on users to meet applicable pretreatment
12 standards or pretreatment requirements.

13 **3-2-5 WASTEWATER ANALYSIS.**

14 When requested by the Industrial Pretreatment Engineer, a user shall submit information
15 about the nature and characteristics of its wastewater discharge. The Industrial
16 Pretreatment Engineer may prescribe a form for this purpose and may periodically require
17 users to update the information.

18 **3-2-6 SAMPLING; METERING MANHOLE REQUIREMENTS.**

19 When required by the Industrial Pretreatment Engineer, the industrial user/owner of
20 property serviced by a lateral sewer carrying industrial wastes shall install a suitable
21 control manhole or cleanout together with such necessary meter and other
22 appurtenances in the lateral sewer to facilitate observation, sampling, and measurement
23 of the wastes. Such monitoring locations shall be accessible, safely located, and
24 constructed in such a manner as to prevent infiltration of ground and surface waters. They
25 shall be constructed in accordance with plans approved by the Industrial Pretreatment
26 Engineer. The Industrial Pretreatment Engineer has established standard details. The
27 monitoring location and all equipment shall be installed by the owner at their expense and
28 shall be maintained by the owner to be safe and accessible at all times.

1 **3-2-7 LATERAL REQUIREMENTS.**

2 Each legally platted property shall have individual, independent private sanitary sewer
3 services. No property shall share a private sewer service with any other property.

4 **3-3. PRETREATMENT OF WASTEWATER**

5 **3-3-1 PRETREATMENT FACILITIES.**

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

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

22 **3-3-2 FATS, OILS, AND GREASE, AND SOLIDS DISCHARGE REQUIREMENTS.**

23 A. Applicability. The Industrial Pretreatment Engineer shall monitor users who
24 hold wastewater discharge permits, such as food service establishments, commercial
food processors, automotive shops, auto wash racks, car washes, vehicle fueling
stations, septic tank pumpers, grease rendering facilities, breweries/distilleries, bottling
plants, commercial and industrial laundries, slaughterhouses & meat packing
establishments (fish, fowl, meat, curing, hide curing), food service establishments,
commercial food processors, oil tank firms and transporters, and any other Fats, Oils,
30 Grease and Solids (FOGS) fats, oil, and grease dischargers as deemed appropriate by

1 the Industrial Pretreatment Engineer to accomplish the purposes and objectives of this
2 Ordinance.

3 B. Compliance. All such dischargers are required to be in compliance with the
4 prohibited pollutant provisions of §3-2-1. In addition to the Industrial Pretreatment
5 Engineer's right of entry to users' premises and facilities as provided in Section 3-7,
6 Compliance Monitoring, FOGS dischargers shall provide the Industrial Pretreatment
7 Engineer unobstructed, direct access to view and inspect the grease interceptor. GRS.
8 Unobstructed, direct access includes physically opening the grease interceptor GRS lid
9 or manholes by the food service establishment employees. FOGS dischargers are
10 subject to monitoring, inspection, reporting, and other requirements as determined by the
11 Industrial Pretreatment Engineer to ensure compliance with all FATS, OIL, and GREASE,
12 and SOLIDS discharge requirements. limitations. FOGS dischargers are not required to
13 apply for a wastewater discharge permit unless the Industrial Pretreatment Engineer
14 determines that the FOGS discharger is a source of prohibited pollutants, toxic pollutants
15 in toxic amounts, extra strength discharges, or are otherwise controlled by federal
16 regulations. The Industrial User (FOGS discharging facility) is responsible for the
17 maintenance of their grease interceptor.

18 C. FATS, OILS, GREASE and SOLIDS Interceptor Grease Removal System
19 Requirements. All newly constructed and existing FSEs, commercial food processors or
20 other sources FOGS dischargers shall have installed an adequately sized Grease
21 Interceptor GRS approved by the appropriate code enforcement authority (City of
22 Albuquerque, and/or Bernalillo County). These FOGS dischargers shall exercise proper
23 industry kitchen best management practices to ensure that excess concentrations of
24 FOGS are not discharged to the POTW. Any new construction, major renovations, or
25 substantial remodeling undertaken by a FOGS discharger shall include an accessible
26 service port and/ or sample port tap for the approved grease interceptor GRS installed.
27 Where a change in business practices results in a significant increase in the loading of
28 FOGS discharge, the FSE FOGS discharger shall verify and confirm with the applicable
29 code enforcement authority, that the size of the grease interceptor GRS and maintenance
30 schedule is appropriate. If the grease interceptor GRS or maintenance practices are not

1 adequate, the FOGS discharger ~~FSE~~ shall make necessary modifications in the grease
2 interceptor ~~GRS~~ or maintenance practices to ensure that excess concentrations of FOGS
3 are not discharged to the POTW.

4 D. Grease Interceptor Removal System Maintenance. All grease interceptor
5 ~~GRS~~ shall be maintained and cleaned at appropriate intervals to ensure proper operation
6 and compliance with discharge limitations. Each cleaning of a grease interceptor ~~GRS~~ shall
7 shall include the evacuation of all contents. At a minimum, grease interceptor ~~GRS~~ shall
8 be cleaned at least once every six (6) months or whenever the combined thickness of
9 floating greases and settled solids is equal to, or greater than, twenty-five percent (25%)
10 of the total liquid depth in the grease interceptor (or 25% Rule). ~~GRS~~. The material that
11 is removed in the process of cleaning a grease interceptor ~~GRS~~ shall not be discharged
12 into the POTW, any private sewer, any drainage piping, or storm sewer system. All
13 material removed shall be handled and disposed of in accordance with applicable
14 federal, state, county and local laws, rules, and regulations.

15 (1) Hydromechanical Grease Interceptors must be evacuated/cleaned
16 whenever the combined thickness of floating grease and settled solids is equal to fifty
17 percent (50%) or recommended thickness by manufacture, of the total liquid depth in the
18 grease interceptor or once every six (6) months. The 25% Rule still applies to under-
19 the-sink hydromechanical grease interceptors.

20 (2) Gravity Grease Interceptors must be evacuated/cleaned whenever
21 the combined thickness of floating grease and settled solids is equal to twenty-five
22 percent (25%) or once every six (6) months.

23 E. Recordkeeping Requirements/Manifests.

24 (1) Fats, oils, ~~and~~ grease and solids dischargers shall document all
25 cleaning and maintenance activities performed on the grease interceptor ~~GRS~~, including
26 pumping manifests. All FOGS dischargers with a grease interceptor installed after 2021
27 shall have in their records, the manufacture information pertaining to their interceptor
28 brand, model, grease and solids capacity, and pumping cycle. These records shall be
29 maintained for a minimum of three (3) years onsite and shall be made available for
30 inspection and copying by the Industrial Pretreatment Engineer. FOG dischargers shall

1 use only grease interceptor GRS pumping companies that are in compliance with the
2 septage disposal requirements of §3-3-7 and the Water Authority FOG Policy. ~~The Water~~
3 ~~Authority shall post a list of compliant GRS pumping companies on the Water Authority's~~
4 ~~web site.~~

5 (2) All grease interceptor GRS pumping companies shall provide a
6 FOGS discharger with a legible manifest containing the following information: date of
7 cleaning, amount of material removed, anticipated disposition of waste material, cleaning
8 frequency, and any repairs undertaken or any grease interceptor deficiencies.

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

17 3-3-3 DENTAL REQUIREMENTS.

18 A. Applicability. All non-exempt dental offices shall install an ~~appropriately-~~
19 ~~sized amalgam separator sized to accommodate.~~ Dental offices shall provide, upon
20 ~~request, a certification that the facilities maximum discharge rate installation, operation,~~
21 ~~maintenance, and waste recycling or disposal of the amalgam separator is in accordance~~
22 ~~with the amalgam separator manufacturer's operation manual, recommendations, ISO~~
23 ~~11143, and/or best management practices.~~

24 The following dental offices are exempt from the requirements of this Section:

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

28 -or

29 (6) An oral pathologist.

1 C. Compliance. Dental offices shall report the model and size of their amalgam
2 separator within ninety (90) days after installation of the separator to the Industrial
3 Pretreatment Engineer. In addition to the Industrial Pretreatment Engineer's right of entry
4 to users' facilities as provided at Section 3-7, Compliance Monitoring, dental offices shall
5 provide the Industrial Pretreatment Engineer unobstructed, direct access to view and
6 inspect the installed amalgam separator. Dental offices are subject to monitoring,
7 inspection, reporting, and other requirements as determined by the Industrial
8 Pretreatment Engineer to ensure compliance with all dental amalgam-separator
9 limitations and best management practices. Dental dischargers are not required to apply
10 for a wastewater discharge permit unless the Industrial Pretreatment Engineer
11 determines that the dental office is a significant source of prohibited pollutants, toxic
12 pollutants in toxic amounts, or is otherwise controlled by federal regulations.

13 B. Exemptions. The following dental offices are exempt from the requirements
14 of this Section, except for One-Time Compliance Report and/or exempt certification
15 documentation requirements:

16 (1) A dental office that can demonstrate that it is not engaged in more
17 than three (3) amalgam replacement, removal, or modification events in a 12-month
18 period. A dental office that is exempt due to infrequent amalgam events will be required
19 to submit and maintain a One-Time Compliance Report;

20 (2) An orthodontist;
21 (3) A periodontist;
22 (4) An oral maxillofacial surgeon;
23 (5) An oral maxillofacial radiologist;
24 (6) An oral pathologist; or
25 (7) A prosthodontic.

26 C. Compliance. Dental dischargers are subject to the following requirements.

27 (1) Amalgam separators. All amalgam separators must be designed to
28 achieve ninety five percent (95%) removal efficiency in conjunction with the American
29 National Standard Institute (AMSI) American National Standard/ American Dental
30 Association (ADA) Specification 108 for Amalgam Separators (2009) with Technical

1 Addendum (2011) or the International Organization for Standardization (ISO) 11143
2 Standard (2008) and all subsequent versions. ninety five percent (95%) removal
3 efficiency must be certified by an accredited laboratory in accordance with the Code of
4 Federal Regulations (CFR) 40 CFR 441.

5 (2) All dental offices subject to this section must maintain amalgam
6 separators and keep required documentation in accordance with this section.

7 D. Maintenance. Amalgam separators must be inspected and maintained in
8 accordance with the manufacturer's recommendations. The amalgam retaining unit of an
9 amalgam separator must be replaced in accordance with the manufacturer's schedule as
10 specified by the manufacturer's operating manual or when the amalgam retaining unit has
11 reached the maximum level at which the amalgam separator can perform to the specified
12 efficiency, whichever comes first. Amalgam retaining units must be picked up or shipped
13 for proper disposal. In the event that an amalgam separator is not functioning properly,
14 the amalgam separator must be repaired consistent with manufacturer instructions, must
15 be replaced with a new unit compliant with this section or a compliance plan must be
16 provided to the Industrial Pretreatment Engineer within seven (7) days of the discovery of
17 the issue.

18 E. Recordkeeping Requirements. Dental offices shall maintain records on-site
19 of the operation, maintenance, inspection, repair, replacement and recycling or disposal
20 of amalgam waste for the previous three (3) years. Records should include all information
21 outlined in 40 CFR 441.5 (b). Records must be available during business hours ~~If a dental~~
22 ~~office is exempt from the requirements of the Section, the dental office shall notify the~~
23 ~~Industrial Pretreatment Engineer that it is exempt.~~

24 (1) Dental offices must maintain a signed one-time compliance report as
25 issued by the Water Authority. Complete One-Time Compliance Reports were due to be
26 submitted by October 12th, 2020. For new sources, completed One-Time Compliance
27 reports must be submitted within ninety (90) days following the introduction of wastewater
28 into the collection system. Within ninety (90) days of a transfer of ownership new owners
29 must submit a completed One-Time Compliance Report.

(2) Exempt facilities are required to maintain a signed exempt certification and must request recertification every three (3) years or as needed, determined by the Pretreatment Engineer. If an exempt facility engages in more than three (3) amalgam events in a twelve (12) month period, it is no longer considered exempt and must notify the Pretreatment Engineer.

F. Operation and Best Management Practices (BMPs). The following BMPs are recommended to ensure compliance with the SUO and federal regulations.

(1) Amalgam separators should be inspected frequently to ensure retaining portion is not passed capacity, the amalgam separator is functional and to confirm that amalgam process wastewater is flowing through the amalgam retaining portion. An inspection log is recommended.

(2) Waste amalgam should be limited in amalgam process wastewater.
Waste amalgam including, but not limited to, amalgam from the chair-side traps, screens,
vacuum pumps filters dental tools, cuspidors, or collection devices, must not be
discharged to the collection system. Waste amalgam should be collected in an amalgam
waste container and disposed of properly.

(3) Lines that discharge amalgam process wastewater must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than six (6) or greater than eight (8). Dental facilities should continuously access their chemical inventory to remain in compliance with this Section.

G. New Facilities/ Transfer of Ownership. Upon transfer of ownership, the previous owner must replace the amalgam retaining unit and ensure it is disposed of correctly. The previous owner should notify the new owner or landlord to contact the Water Authority to arrange the completion of the One-Time Compliance Report. New 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.

H. Mobile units that provides dentistry services are considered exempt from maintaining an amalgam separator and one-time compliance report but may not discharge amalgam process wastewater into the POTW.

(1) Any mobile unit that requires that they discharge into the POTW is subject to the same requirements as non-exempt dental dischargers.

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.

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

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

9 (2) Description of stored chemicals;

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

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

18 3-3-7 HAULED WASTEWATER REQUIREMENTS.

19 A. Applicability. Hauled wastewater and holding tank waste may be introduced
20 into the POTW only at locations designated by the Industrial Pretreatment Engineer, and
21 at such times as are established by the Industrial Pretreatment Engineer. Hauled
22 wastewater and holding tank waste shall not violate Section 3-3-7 B (2).

23 B. Compliance.

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

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

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

14 C. Recordkeeping/Manifest Requirements. Septage waste haulers shall give
15 the Industrial Pretreatment Engineer user a waste-tracking form/manifest from each pump
16 out source of for every load discharged into the POTW. The form shall include, at a
17 minimum, the name and address of the septage waste transporter hauler, permit number,
18 truck identification, and complete information regarding the names and addresses of
19 sources of waste, volume and characteristics of waste from the waste producer.

20 3-4. WASTEWATER DISCHARGE PERMITS

21 3-4-1 PERMIT REQUIREMENTS.

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

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

29 C. Any violation of the terms and conditions of a wastewater discharge permit
30 is a violation of this Ordinance. Obtaining a wastewater discharge permit does not relieve

1 a user of its obligation to comply with all federal and state pretreatment standards or
2 pretreatment requirements or with any other requirements of federal, state, and local law.

3 3-4-2 EXISTING CONNECTIONS.

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

11 3-4-3 NEW CONNECTIONS.

12 Any user who is required to obtain a wastewater discharge permit and who proposes to
13 begin or recommence discharging into the POTW shall obtain a wastewater discharge
14 permit prior to discharging into the POTW. An application for a wastewater discharge
15 permit to begin or recommence discharging into the POTW, in accordance with §3-4-5,
16 shall be filed at least ninety (90) days prior to the date upon which any discharge may
17 begin or recommence.

18 3-4-4 PERMIT APPLICATION.

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

22 (1) Identifying Information:

23 (a) The name and address of the user's facility;
24 (b) The name of the manager, operator and owner of the facility;
25 (c) The name of each person who is authorized to make
26 management decisions that govern the operation of each manufacturing, production, or
27 operating facility named in the application, who has the explicit or implicit duty to make
28 major capital investment recommendations, who initiates and directs other
29 comprehensive measures to assure long-term environmental compliance with
30 environmental laws and regulations, who can ensure that the necessary systems are

1 established or actions taken to gather complete and accurate information for wastewater
2 discharge permit requirements, and who has been authorized to sign documents on
3 behalf of the user;

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

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

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

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

15 (b) Types of wastes generated, and a list of all raw materials and
16 chemicals used or stored at the facility which are, or could accidentally or intentionally be,
17 discharged to the POTW;

18 (c) Number and type of employees and hours of operation;
19 (d) Type and amount of raw materials processed (average and
20 maximum per day); and

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

24 (4) Time and duration of discharges;

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

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

30 (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;

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

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

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

21 3-4-5 SIGNATURES AND CERTIFICATIONS.

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

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

1 3-4-6 PERMIT EVALUATION.

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

8 A. The application is incomplete or contains inaccurate information;

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

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

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

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

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

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

22 3-5. WASTEWATER DISCHARGE PERMIT ISSUANCE

23 3-5-1 PERMIT DURATION.

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

1 3-5-2 PERMIT TERMS AND CONDITIONS.

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

7 B. Wastewater discharge permits shall contain:

8 (1) The issuance date, expiration date, and effective date of the permit;
9 (2) A statement that the wastewater discharge permit is not transferable
10 without prior notification to the Industrial Pretreatment Engineer in accordance with §3-5-
11 5, and the assumption by the transferee of the terms and conditions of the permit;

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

14 (4) Self-monitoring, sampling, reporting, notification, and recordkeeping
15 requirements, which shall include an identification of pollutants or applicable best
16 management practice to be monitored, sampling location, sampling frequency, analytical
17 methods, detection limits and sample type based on federal, state, and local law;

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

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

24 C. Wastewater discharge permits may contain the following conditions:

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

27 (2) Requirements for the installation of pretreatment technology,
28 pollution control, or construction of appropriate containment devices, designed to reduce,
29 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;

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

17 3-5-3 PERMIT RECONSIDERATION.

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

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

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

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

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

4 **3-5-4 PERMIT MODIFICATION.**

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

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

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

12 (3) A change in the POTW that requires either a temporary or permanent
13 reduction or elimination of the authorized discharge;

14 (4) Information indicating that the permitted discharge poses a threat to
15 the POTW, the Water Authority's personnel, sludge disposal, or the receiving waters;

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

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

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

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

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

27 **3-5-5 PERMIT TRANSFER.**

28 A. Wastewater discharge permits may be transferred to a new owner or
29 operator of the permitted facility only if the permittee submits notice of intent to transfer
30 the permit at least sixty (60) days prior to the transfer to the Industrial Pretreatment

1 Engineer and the Industrial Pretreatment Engineer approves the transfer. The notice to
2 the Industrial Pretreatment Engineer shall include a written certification by the new owner
3 or operator which:

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

6 (2) Identifies the specific date on which the transfer will occur; and
7 (3) Acknowledges that the new owners understand the terms and
8 conditions of the wastewater discharge permit and assume full responsibility for
9 complying with the permit.

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

13 3-5-6 PERMIT REVOCATION AND SUSPENSION.

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

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

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

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

22 (4) Falsified self-monitoring reports and certification statements;

23 Tampered with monitoring equipment;

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

26 (6) Failed to meet effluent limitations;

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

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

30 (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.

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

3-5-7 PERMIT REISSUANCE.

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

3-6. REPORTING REQUIREMENTS

18 3-6-1 BASELINE MONITORING REPORTS.

19 A. Within either one hundred eighty (180) days after the effective date of a
20 categorical pretreatment standard or of the final administrative decision on a category
21 determination under 40 CFR 403.6(a)(4), whichever date occurs last, existing categorical
22 industrial users discharging to or scheduled to discharge to the POTW shall submit to the
23 Industrial Pretreatment Engineer a report which contains the information listed in
24 Paragraph B of this Section. At least ninety (90) days prior to commencement of
25 discharge, new sources, and sources that become categorical industrial users
26 subsequent to the promulgation of an applicable categorical pretreatment standard, shall
27 submit to the Industrial Pretreatment Engineer a report which contains the information
28 listed in Paragraph B of this Section. The owner or operator of a new source shall report
29 the method of pretreatment it intends to use to meet applicable categorical pretreatment

1 standards and provide estimates of the anticipated quantity and quality of pollutants that
2 will be discharged.

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

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

7 (2) The results of the measurement of pollutants:

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

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

18 (c) Sampling and analysis shall be performed in accordance with
19 40 CFR 136;

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

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

28 (3) Compliance Certification. A statement, signed by the user and
29 certified by a professional engineer registered in the State of New Mexico, indicating
30 whether pretreatment standards are being met on a consistent basis, and, if not, whether

1 additional operation and maintenance and/or additional pretreatment is required to meet
2 the pretreatment standards and pretreatment requirements.

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

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

12 3-6-2 COMPLIANCE SCHEDULE PROGRESS REPORTS.

13 A. The following conditions shall apply to the compliance schedule required by
14 §3-6-1(B)(4):

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

22 (2) The user shall submit a progress report to the Industrial Pretreatment
23 Engineer no later than fourteen (14) days after each date in the schedule and the final
24 date of compliance including, as a minimum, whether or not the user complied with the
25 increment of progress, the reason for any delay, and, if appropriate, the steps being taken
26 by the user to return to the established schedule.

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

1 3-6-3 REPORTS OF COMPLIANCE WITH CATEGORICAL PRETREATMENT
2 STANDARD DEADLINES.

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

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

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

16 B. All compliance reports shall be signed and certified in accordance with §3-
17 6-13. All monitoring shall be done in conformance with §3-6-8.

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

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

1 3-6-4 REPORTS OF CHANGED CONDITIONS.

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

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

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

13 3-6-5 REPORTS OF POTENTIAL PROBLEMS.

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

22 B. Within five (5) days after such discharge, the user shall, unless waived by
23 the Industrial Pretreatment Engineer, submit a detailed written report describing the
24 causes of the discharge and the measures to be taken by the user to prevent similar
25 future occurrences. Notification by the user of the discharge shall not relieve the user of
26 liability for any expense due to loss, damage, or other liability that might be incurred by
27 the Water Authority as a result of damage to the POTW, natural resources, or persons or
28 property; nor shall the notification relieve the user of any fees or assessments which may
29 be imposed pursuant to this Ordinance.

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

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

9 **3-6-6 REPORTS FROM UNPERMITTED USERS.**

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

12 **3-6-7 ANALYTICAL REQUIREMENTS.**

13 A. All pollutant analyses, including sampling techniques, to be submitted as
14 part of an application for a wastewater discharge permit or report shall be performed in
15 accordance with the techniques prescribed in 40 CFR Section 136 and amendments
16 thereto, unless otherwise specified in an applicable categorical pretreatment standard. If
17 40 CFR Section 136 does not contain sampling or analytical techniques for the pollutant
18 in question, or if the EPA determines that the Section 136 sampling and analytical
19 techniques are inappropriate for the pollutant in question, sampling and analyses shall be
20 performed by using validated analytical methods or any other applicable sampling and
21 analytical procedures, including procedures prescribed by the Industrial Pretreatment
22 Engineer.

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

27 **3-6-8 MONITORING BY USERS.**

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

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

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

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

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

28 **3-6-9 NOTICE OF VIOLATION/REPEAT MONITORING AND REPORTING.**

29 If monitoring performed by the user indicates a violation, the user shall notify the Industrial
30 Pretreatment Engineer within twenty-four (24) hours after becoming aware of the

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

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

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

1 B. A user is exempt from the requirements of Paragraph A of this Section
2 during a calendar month in which the user discharges not more than 15 kilograms of
3 hazardous wastes into the POTW, unless the wastes are acute hazardous wastes as
4 specified in 40 CFR 261.30(d) and 261.33(e). Discharges of more than 15 kilograms of
5 non-acute hazardous wastes in a calendar month, or any quantify of acute hazardous
6 wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires notification one time.
7 The user is not required to give notice in subsequent months during which the user
8 discharges more than 15 kilograms of any hazardous wastes into the POTW.

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

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

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

22 3-6-11 RECEIPT OF REPORTS.

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

26 3-6-12 RECORDKEEPING.

27 Users subject to the reporting requirements of this Ordinance shall retain, and make
28 available for inspection and copying, all records of information obtained pursuant to any
29 monitoring activities required by this Ordinance, any additional records of information
30 obtained pursuant to monitoring activities undertaken by the user independent of such

1 requirements, and documentation associated with best management practices
2 established pursuant to §3-2-3(C). Records shall include the date, exact place, method,
3 and time of sampling, and the name of the person or persons taking the samples; the
4 dates analyses were performed; the name of the person or persons who performed the
5 analyses; the analytical techniques or methods used; and the results of the analyses.
6 The records shall remain available for inspection by the Industrial Pretreatment Engineer
7 for a period of at least three (3) years. This period shall be automatically extended for the
8 duration of any litigation concerning the user or the Water Authority, or when the user has
9 been specifically required by the Industrial Pretreatment Engineer to retain the records
10 for a longer retention period.

11 3-6-13 CERTIFICATION STATEMENTS.

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

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

25 3-7. COMPLIANCE MONITORING

26 3-7-1 ENTRY FOR INSPECTION, SAMPLING, AND MONITORING.

27 A. The Industrial Pretreatment Engineer or designated representatives, shall
28 have the right to enter the premises of any user to inspect and copy records that the user
29 is required to maintain pursuant to this Ordinance, take samples of wastewater, inspect,
30 test, and monitor pretreatment equipment and facilities and operations, determine

1 whether the user is complying with the requirements of this Ordinance and the terms and
2 conditions of the user's wastewater discharge permit or any order issued to the user by
3 the Industrial Pretreatment Engineer, and take corrective action.

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

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

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

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

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

22 3-8. RECORDS

23 3-8-1 PUBLIC INSPECTION OF RECORDS.

24 All records, permit applications, reports, information and data obtained by the Water
25 Authority pursuant to this Ordinance may be subject to public inspection and copying as
26 provided in the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978,
27 Sections 14-2-1 et seq. as amended. A user's request that information or a designated
28 portion of the information provided to the Water Authority be treated as a trade secret or
29 otherwise kept confidential shall be asserted at the time of submission of the information.
30 If the Water Authority receives an IPRA request which implicates the designated

1 information, the Water Authority's sole responsibility regarding the user's request for
2 confidentiality shall be to notify the user of the IPRA request. It shall be the user's
3 responsibility to obtain legal protection from IPRA disclosure from a court of competent
4 jurisdiction. Without exception, all information received by the Water Authority shall be
5 made available upon request to governmental agencies for uses related to the NPDES
6 program or pretreatment program, and in enforcement proceedings involving the user
7 furnishing the report.

8 3-9. ANNUAL REPORTING

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

10 Set forth in 40 CFR 403.8 (f)(2)(viii) the The Industrial Pretreatment Engineer shall
11 annually publish, in a newspaper of general circulation in Bernalillo County, New Mexico,
12 a list of significant industrial users (or any industrial user which violates paragraphs C, D
13 or H of this section) who, within the previous twelve (12) months, were in significant
14 noncompliance with applicable pretreatment standards and pretreatment requirements.

15 Significant noncompliance means:

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

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

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

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

4 E. Failure to meet, within ninety (90) days after the scheduled date, a
5 compliance schedule milestone contained in a wastewater discharge permit or
6 enforcement order issued by the Industrial Pretreatment Engineer for starting
7 construction, completing construction, or attaining final compliance;

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

12 G. Failure to accurately report noncompliance; or

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

16 3-9-2 POTW REPORTS.

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

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

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

1 C. A summary of compliance and enforcement activities, including inspections,

2 conducted by the Industrial Pretreatment Engineer during the reporting period; and

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

5 **3-10. ENFORCEMENT**

6 **3-10-1 NOTICE OF VIOLATION.**

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

18 **3-10-2 CONCILIATION MEETINGS.**

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

1 3-10-3 CONSENT ORDERS.

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

8 3-10-4 SHOW CAUSE HEARINGS.

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

20 3-10-5 COMPLIANCE ORDERS.

21 If the Industrial Pretreatment Engineer finds that a user has violated, or continues to
22 violate, any provision of this Ordinance, a wastewater discharge permit, an order issued
23 by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment
24 requirement, the Industrial Pretreatment Engineer may issue an order to the user, stating
25 with reasonable specificity the nature of the violation or threatened violation and directing
26 the user to come into compliance within a specified time. If the user does not come into
27 compliance within the specified time, the Water Authority may disconnect the user's water
28 and sewer service, unless adequate treatment facilities, devices, or other related
29 appurtenances are installed and properly operated. Compliance orders may contain
30 additional requirements to address the noncompliance, including additional

1 self-monitoring and management practices designed to minimize the amount of pollutants
2 discharged to the POTW. A compliance order may not extend the deadline for
3 compliance established for a pretreatment standard or pretreatment requirement, or
4 relieve the user of liability for any violation, including any continuing violation. Issuance
5 of a compliance order shall not be a bar against, or a prerequisite for, taking any other
6 action against the user.

7 3-10-6 CEASE AND DESIST ORDERS.

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

14 A. Immediately comply with all requirements; and
15 B. Take such appropriate remedial or preventive action as may be necessary
16 to properly address the continuing or threatened violation, including halting operations
17 and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar
18 against, or a prerequisite for, taking any other action against the user.

19 3-10-7 ADMINISTRATIVE ASSESSMENTS.

20 A. If the Industrial Pretreatment Engineer finds that a user has violated, or
21 continues to violate, any provision of this Ordinance, a wastewater discharge permit, an
22 order issued by the Industrial Pretreatment Engineer, or any pretreatment standard or
23 pretreatment requirement, the Industrial Pretreatment Engineer may assess the user an
24 amount not to exceed one thousand dollars (\$1,000.00) per day per violation. In the case
25 of monthly or other long-term average discharge limits, assessments shall be made for
26 each day during the period of violation. In determining the amount of an assessment, the
27 Industrial Pretreatment Engineer shall take into account all relevant circumstances,
28 including the costs incurred by the Water Authority and the extent of harm caused by the
29 violation, the magnitude and duration of the violation, any economic benefit gained
30 through the user's violation, the corrective actions taken by the user, the compliance

1 history of the user, good faith efforts of the user to comply with applicable requirements,
2 and any other factors that bear on the nature and seriousness of the violation.

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

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

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

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

18 3-10-8 EMERGENCY SUSPENSIONS.

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

26 B. A user who has been notified of the suspension of its discharge shall
27 immediately stop or eliminate the discharge. If the user fails to immediately comply with
28 the suspension order, the Industrial Pretreatment Engineer may take such steps as are
29 deemed necessary to stop the discharge, including the immediate severance of the sewer
30 connection or water supply from the user's premises, to prevent or minimize damage to

1 the POTW or the endangerment to any persons. The Industrial Pretreatment Engineer
2 may allow the user to recommence its discharge when the user has demonstrated to the
3 satisfaction of the Industrial Pretreatment Engineer that the period of endangerment has
4 passed, unless termination proceedings pursuant to §3-10-9 have been or will be initiated
5 against the user.

6 C. A user who is responsible, in whole or in part, for any discharge that
7 presents imminent endangerment to persons or the environment shall submit a detailed
8 written statement, describing the causes of the harmful discharge and the measures
9 taken by the user to prevent any future occurrences, to the Industrial Pretreatment
10 Engineer prior to the date of any show cause or termination hearing under §§3-10-4 or 3-
11 10-9.

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

14 3-10-9 TERMINATION OF DISCHARGE.

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

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

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

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

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

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

28 (6) Violation of this Ordinance or pretreatment standards.

29 B. The Industrial Pretreatment Engineer shall give a user who has violated a
30 condition listed in Paragraph A of this Section a notice of hearing and an order to show

1 cause why the user's wastewater and water services should not be terminated. The
2 service of a notice of termination of wastewater and water services on the user shall not
3 be a bar to, or a prerequisite for, taking any other action against the user.

4 **3-10-10 INJUNCTIVE RELIEF.**

5 If the Industrial Pretreatment Engineer finds that a user has violated, or continues to
6 violate, any provision of this Ordinance, a wastewater discharge permit, an order issued
7 by the Industrial Pretreatment Engineer, or any pretreatment standard or pretreatment
8 requirement, the Industrial Pretreatment Engineer may petition the district court for the
9 issuance of a temporary or permanent injunction, to enjoin the user from continuing the
10 violation or to compel the user to take the action necessary to prevent the violation in the
11 future. The Industrial Pretreatment Engineer may seek such legal or equitable relief as
12 may be appropriate, including an order of the court that the user conduct environmental
13 remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for,
14 taking any other action against a user.

15 **3-10-11 REMEDIES ARE NOT EXCLUSIVE.**

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

23 **3-11. REVIEW OF ADMINISTRATIVE ACTIONS**

24 **3-11-1 ADMINISTRATIVE HEARINGS.**

25 A. Any user who is adversely affected by a decision of the Industrial
26 Pretreatment Engineer to deny, suspend, revoke a wastewater discharge permit, an order
27 of the Industrial Pretreatment Engineer, or any other decision or ruling of the Industrial
28 Pretreatment Engineer may request relief from the Executive Director or his/her designee
29 by filing an appeal. An appeal shall be submitted to the Executive Director not later than
30 fifteen (15) calendar days after date of the challenged decision or order. The appeal shall

1 be in writing, identify the decision or order that the user objects to, and contain a statement
2 of the reasons for the user's objection and the relief requested.

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

6 C. All appeal hearings shall be recorded and the burden of proof shall be upon
7 the Industrial Pretreatment Engineer to sustain the decision or order. At the hearing, the
8 user and the Industrial Pretreatment Engineer shall each be given a reasonable
9 opportunity to submit data, records and other documents and to present their views and
10 arguments orally or in writing. The Executive Director or his/her designee shall make and
11 preserve a complete record of the proceedings. Based on the evidence presented at the
12 hearing, the Executive Director or his/her designee shall issue a written decision
13 sustaining, modifying, or reversing the decision or order of the Industrial Pretreatment
14 Engineer. The decision shall be in writing and shall contain a statement of the facts upon
15 which the decision is based.

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

19 **3-11-2 JUDICIAL REVIEW**

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

24 **3-12. SUPPLEMENTAL ENFORCEMENT ACTIONS**

25 **3-12-1 LIABILITY INSURANCE.**

26 The Industrial Pretreatment Engineer may decline to issue or reissue a wastewater
27 discharge permit to a user who has failed to comply with this Ordinance, a prior
28 wastewater discharge permit, or an order issued by the Industrial Pretreatment Engineer,
29 or any pretreatment standard or pretreatment requirement, until the user submits proof

1 that it has obtained financial assurances sufficient to restore or repair any potential
2 damage to the POTW caused by the user's discharge.

3 3-12-2 PAYMENT OF FEES AND ASSESSMENTS.

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

8 3-12-3 CONTRACTOR LISTING.

9 Users who have not achieved compliance with applicable pretreatment standards and
10 pretreatment requirements are not eligible to receive a contractual award for the sale of
11 goods or services to the Water Authority. Existing contracts for the sale of goods or
12 services to the Water Authority held by a user who is found to be in significant
13 noncompliance with pretreatment standards or pretreatment requirements may be
14 terminated at the discretion of the Executive Director.

15 3-13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

16 3-13-1 UPSET.

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

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

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

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

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

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

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

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

23 3-13-2 LACK OF KNOWLEDGE.

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

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

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

8 3-13-3 BYPASS.

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

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

21 C. Bypass Notification

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

1 corrected, the anticipated time it is expected to continue; and steps taken or planned to
2 reduce, eliminate, and prevent reoccurrence of the bypass. The Industrial Pretreatment
3 Engineer may waive the written report on a case-by-case basis if the oral notice has been
4 received within twenty-four (24) hours.

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

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

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

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

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

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

27 Section 3. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall become
28 effective July 1, 201421 after publication by title and general summary.

29
30

Amendments to the ABCWUA Sewer Use and Wastewater Control Ordinance

June 23, 2021

Danielle Shuryn, Compliance Division Manager



Routine Revisions and Ordinance Update

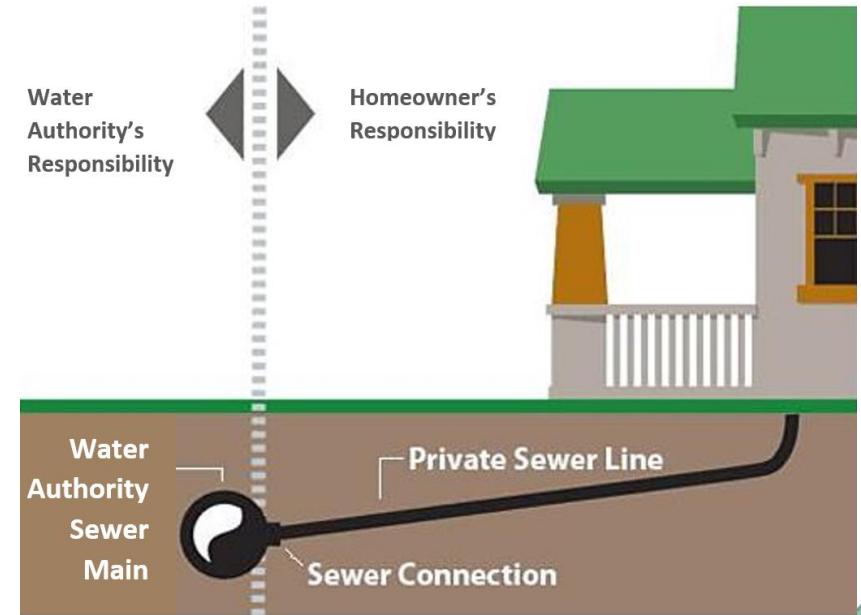
The Environmental Protection Agency (EPA) requires in the National Pollutant Discharge Elimination System (NPDES) permit that the local limits on pollutants allowed into the sewer are evaluated every 5 years and that any changes are implemented in the Sewer Ordinance.

1. Revised definitions to match the current Rate Ordinance.
2. Local pollutant limits were evaluated for industries in 2020 and resulted in minor numeric changes.
3. Added the 2017 EPA dental rule revisions to keep amalgam mercury out of the sewer.
4. Updated waste hauling prohibitions.
5. Added “Solids” to the Fats, Oils and Grease discharge requirements.



Revised Definitions

1. Definitions now match those in the Rate Ordinance.
2. Updated language on Grease Interceptors to match current plumbing code and industry standards.
3. Updated definition of lateral sewer and requirements to prohibit sharing lateral sewers between properties.



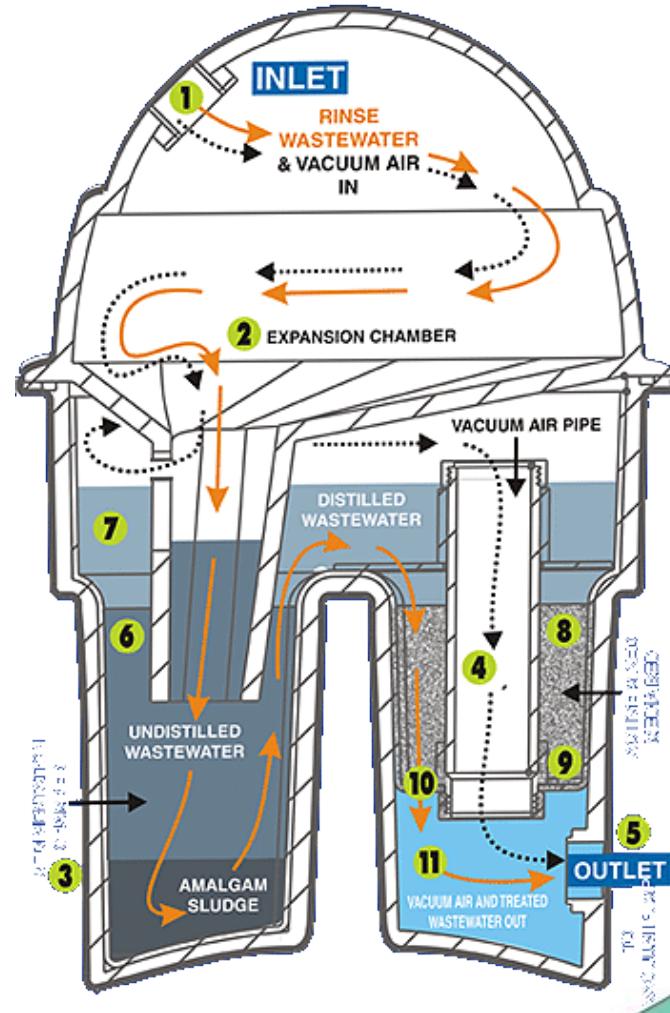
Local Pollutant Limit Evaluation

1. The evaluation is completed using data collected over the last 5 years.
2. Three pollutant limits increased due to less flow and pollutant loading and an increase in the plant's removal efficiency.
 - a) Chemical Oxygen Demand (COD)
 - b) Carbonaceous Biochemical Oxygen Demand (CBOD)
 - c) Total Suspended Solids (TSS)
3. Added significant digits to address rounding concerns.



EPA 2017 Dental Rule Updates

1. Requires 95% removal efficiency on Amalgam Mercury Separators.
2. Prohibits certain lines cleaners that could dissolve and flush amalgam to the sewer.
3. All dental facilities must submit and maintain a compliance report.



Waste Hauling

1. Removed prohibition to store hauled wastes in vessels on the owner's property.
2. Added prohibition to combine different categories of waste in a truck (grease, chemical toilet and septage).
3. Clarified the requirement for waste tracking forms.

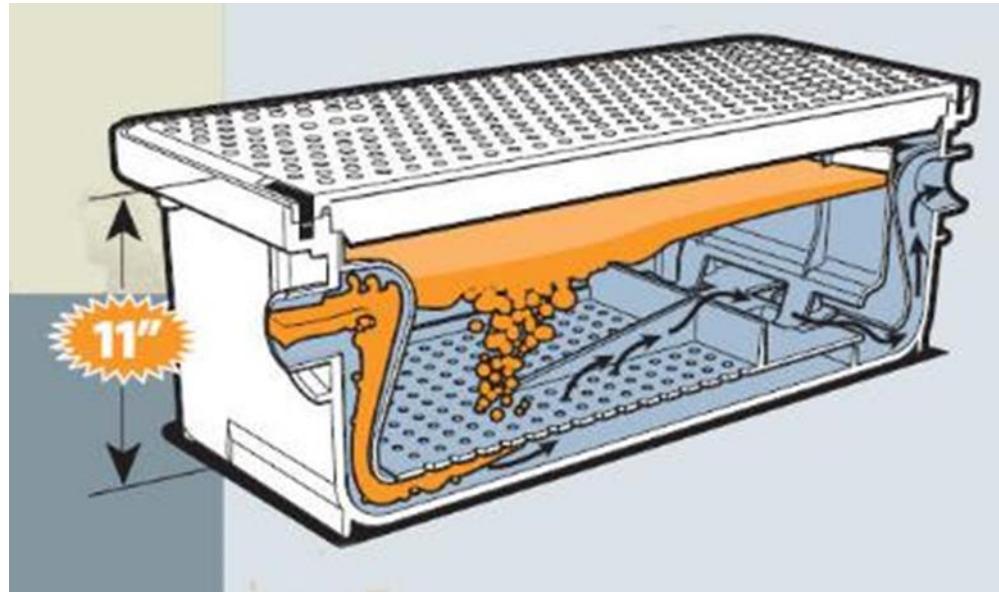


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Fats, Oils, Grease and SOLIDS

1. Solids were added to the fats, oils and grease discharge requirements to be able to address more types of sewer blockages.
2. New facility types were added to the applicability section such as car washes and breweries to address more causes of blockages.
3. Manufacturer information for grease interceptors must be maintained and made available during inspections.



Canplas 3925A02LO Lo-Por Grease Interceptor, 11"H, 25 Gal/Min, 2" Connection



QUESTIONS?

