

COUNTY OF GRANT, NEW MEXICO

**AN AMENDED ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF
RULES AND REGULATIONS FOR THE CARE AND MAINTENANCE
OF THE INDIVIDUAL WASTEWATER SEPTIC SYSTEMS INSTALLED
IN NORTH HURLEY, NEW MEXICO, FUNDED BY
COLONIAS WASTEWATER CONSTRUCTION GRANTS**

WHEREAS, the County of Grant is administering a construction project in the North Hurley area of Grant County north of the Town of Hurley, New Mexico, to install new individual septic systems for residents in the North Hurley area ("the project"); and,

WHEREAS, the project is being funded by the Colonias Wastewater Construction Grants Program (Colonias Grant No. 193013) by funds from the United States Environment Protection Agency by award to the New Mexico Environment Department. There is no expense to property owners for the installation of the new individual septic systems which are units of a limited number within the whole planned septic system ("The Grant County Liquid Waste Treatment System" or "the system"); and,

WHEREAS, the owners of properties to be included in the project have granted to the County of Grant the right to utilize their individual properties for access of construction equipment, materials and personnel in order to complete the construction project and have individually agreed to pay a monthly fee to the County of Grant or its successors (hereinafter "the County"), through its collecting agent, the North Hurley Water Association, for pumping the septic tanks and for operating and maintaining the septic system once the system is installed and; whereas the amount of payment shall be the property owner's individual share of costs for operation of the system; and whereas each property owner has further agreed to comply with any rules and regulations adopted by the Grant County Commission relating to maintenance of the system, access to maintain, limitations on discharge into the system.

NOW THEREFORE, it is ordered by the Grant County Board of County Commissioners that a set of rules and regulations shall be created for the care, maintenance and operation of the system and for the payment of costs and fees related thereto, as follows:

RULES AND REGULATIONS

This Ordinance hereby repeals and supercedes Grant County Ordinance #97-12-11 dealing with the same subject matter included herein.

The following rules and regulations for the operation, care and maintenance of the North Hurley, Phase III, wastewater septic system are adopted to be effective immediately upon commencement of operation of the system.

Ordinance #98-08-13A
North Hurley Wastewater Septic System Ordinance
7/3/98 FFC

Filed for record on the 17th day of August, A.D., 1998 at 1:32 P.M.
Book 251 Page 7245-701
County Clerk Zahui O'Ramas

1. Plans and Specifications of Facilities of Property Owners

Each property owner connected to the system shall be a user of the Grant County Liquid Waste Treatment System, and shall be provided a septic tank, and lift pumps if necessary, in accordance with these specifications and with any other specifications imposed by all applicable governmental authorities. The specifications herein are for individual septic tanks, septic tanks with an effluent pump installed, and for septic tanks with effluent pumps.

The minimum size of septic tank required of each user is 1250 gallons for 3 bedroom and 1500 gallons for homes with 4 or more bedrooms. These specifications shall be in addition to any required by local, state or national ordinances or governmental organizations. In the case of any conflict, the most stringent (maximum) specification shall be followed.

Each septic tank shall have a concrete standpipe and cap extending above ground or at ground level so as to facilitate easy pumping of the septic tank. Each septic tank will be located on each property owner's property in such a location as to allow reasonable access to the septic tank for pumping testing and inspection.

2. Pumping.

Pumping of each septic tank shall be done regularly, but a minimum of at least once every three years. The County or its successors may contract with third parties to pump the septic tanks. Should the system require pumping more frequently, the County shall be responsible for the cost of such pumping as otherwise described herein.

The County will have each property owner contact the company that is to do the pumping to schedule times in which the pumping may be conducted.

3. Agreement to Provide Access, To Hold Harmless, and for Maintenance Easements.

The County and its successors will at all times have access to enter upon the property and owner's property to test the septic tank and related pipelines, pumps and facilities to see that they are in proper operation, and to see that no improper liquid wastes, or solid wastes of any type are being disposed of through the septic tanks, and to otherwise enforce these Rules and Regulations of the County.

Each property owner shall grant access to the County and its successors in and upon the property for the purposes of disconnecting property owner's septic tank and line from the County's lines and facilities in the event the County determines that the property owner has violated any of these Rules and Regulations, and any articles from this Ordinance of the Grant County Liquid Waste Treatment System or in the event the property owner has not paid its fees.

Each property owner shall agree, in writing, to the fullest extent permitted by law, to indemnify and hold Grant County and its agents, and employees harmless from damages and losses

arising from the negligent acts, errors or omissions of the County, its agents and employees in their performance of tasks herein undertaken by the County.

4. Limitations on Discharge into System.

No person shall discharge or cause to be discharged nor shall any property owner allow a person on that owner's property to discharge any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sewer line.

No person shall discharge or cause to be discharged nor shall any property owner allow a person on that owner's property to discharge any of the following described liquids or liquid wastes to any sewer lines connected to the liquid wastewater system:

(a) any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(b) any waters or liquid wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other liquid wastes to injure or interfere with any liquid wastewater facility, constitute a hazard to humans or animals, create a public nuisance, or to create any hazard in the receiving waters of the liquid wastewater system;

(c) any persistent pesticides or herbicides such as dieldrin, aldrin, chlordane, endrin, heptachlor, toxaphene, lindane, and BAC, or other toxic refractory organic chemicals;

(d) any waters or liquid wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the liquid wastewater facility;

(e) solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in lines, or other interference with the proper operation of the liquid wastewater facility such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders; or,

(f) solids of any other form or nature.

NONRESIDENTIAL USES OF ANY TYPE MUST BE SPECIFICALLY APPROVED BY THE COUNTY PRIOR TO DISCHARGE INTO THE TREATMENT SYSTEM

No person shall discharge or cause to be discharged nor shall any property owner allow a person on that owner's property to discharge the following described substances, materials, waters or liquid wastes if it appears likely in the opinion of the County or its successors that such wastes can harm the liquid wastewater facility or equipment, or can otherwise endanger life, limb, public

property, or constitute a nuisance. In forming an opinion as to the acceptability of these waters, the County will give consideration to such factors as the quantities of subject liquid wastes in relation to flows and velocities in the sewer lines, materials of construction of sewer lines, nature and capacity of the liquid wastewater facility, degree of treatability of liquid wastes in the liquid wastewater treatment works, and other pertinent factors. The substances which must be considered include, but are not limited to, the following:

- (a) any liquid or vapor having a temperature higher than one hundred fifty (150)F (65)C, at the service connection to the system;
- (b) any water or liquid waste containing fats, grease, wax or oils, whether emulsified or not, in excess of one hundred (100)mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32)F and one hundred fifty (150)F, (0 and 65)C;
- (c) any whole blood, paunch manure, hair fleshings or entrails;
- (d) any waters or liquid wastes containing strong acid, iron pickling wastes, or concentrated plating solution;
- (e) any waters or liquid wastes containing reducing substance of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand;
- (f) any waters or liquid wastes containing phenols or other taste or odor producing substances;
- (g) any radioactive liquid wastes or isotopes;
- (h) any waters or liquid wastes having a pH in excess of 9.5;
- (i) materials which exert or cause:
 - (1) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (3) unusual chemical oxygen demand or biochemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the liquid wastewater treatment works;
 - (4) slugs or shocks constituting an unusual volume of flow or concentration of liquid wastes which will disturb the normal functioning of the wastewater treatment works;

(j) waters or liquid wastes containing substances which are not amenable to treatment or reduction by the liquid wastewater treatment works employed;

(k) any waters or liquid wastes discharge that collectively with other discharges contain concentrations of metals which cause the treated effluent discharge to exceed the values listed below:

arsenic	0.05	mg/l
barium	1.0	mg/l
boron	0.75	mg/l
cadmium	0.01	mg/l
chromium (total)	0.01	mg/l
copper	0.01	mg/l
lead	0.05	mg/l
manganese	0.1	mg/l
mercury	0.001	mg/l
molybdenum	0.01	mg/l
nickel	0.1	mg/l
selenium	0.1	mg/l
silver	0.05	mg/l
zinc	0.5	mg/l

If any waters or liquid wastes are discharged, or are proposed to be discharged, said waters or liquid wastes contain the substances or possess the characteristics enumerated in this ordinance and, which in the judgment of the County, may have a deleterious effect upon the liquid wastewater facilities, or which otherwise create a hazard to life or constitute a public nuisance, the County may:

- (a) reject the liquid wastes;
- (b) require pretreatment to an acceptable condition for discharge; or
- (c) require control over the quantities and rate of discharge into the liquid wastewater treatment system.

THE COUNTY SHALL HAVE THE RIGHT TO DISCONNECT PROPERTY OWNER'S SEPTIC TANK AND LINE FROM THE SEPTIC SYSTEM LINES AND FACILITIES IN THE EVENT THE COUNTY DETERMINES THAT THE PROPERTY OWNER HAS VIOLATED ANY OF THESE RULES AND REGULATIONS, OR IN THE EVENT THE PROPERTY OWNER HAS NOT PAID ITS FEES.

5. Damages.

While service or maintenance work is being performed within any of the easements dedicated to the County for the septic system (the Service Easement Area), property owners must allow for a "no traffic" permit allowing the County to limit traffic here to the easement; and there shall be no

other activity in the Service Easement Area during that time. Any damages to tanks or lines must be reported to the County.

Before any construction in the easement area is allowed, the individual(s) must get approval from the County.

Each property owner shall be responsible for damages to the County's lines and septic system by reason of the property owner's failure to abide by these Rules and Regulations.

6. Required Maintenance of System.

Property owners must follow all operating and maintenance requirements as may be promulgated by the County, including these Rules and Regulations.

7. Fees.

Each property owner shall pay a monthly fee of \$10.00 per month, which fee shall be payable through the North Hurley Water Association.

PASSED, APPROVED AND ADOPTED by the Board of County Commissioners of Grant County this 13th day of August, 1998.

GRANT COUNTY BOARD
OF COUNTY COMMISSIONERS

Manuel T. Serna
Manuel T. Serna, Chairman

Zeke Santa Maria
Zeke Santa Maria, Member

Carl W. Scholl, Member

ATTEST:

Gabriel J. Ramos
Gabriel J. Ramos, County Clerk

Ordinance 998-03-13A
North Hurley Wastewater Septic System Ordinance
7/3/98 IFP

STATE OF NEW MEXICO
County of Grant
I hereby certify that this instrument
was filed for record on the 17th
day of August A.D., 19 98
at 3:29 o'clock P.M., and duly
recorded in book 251 of the records
of Ordinances
at page 1265-70

Witness my hand and seal of office
Gabriel J. Ramos
COUNTY CLERK, GRANT CO., N.M.
C. Gandy - Gandy Dep'tv