



CITY OF CARLSBAD

REGULATIONS ESTABLISHING ADMINISTRATIVE POLICIES AND FEES FOR THE DISCHARGE OF APPROVED LIQUID WASTES INTO THE SANITARY SEWER SYSTEM

Approved by the Carlsbad City Council:
May 13, 2014

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1.0 AUTHORITY

- 1.1 These Regulations establishing administrative policies and fees are adopted pursuant to Chapter 52, Article III, Division 2 (hereafter, the “Sewer Rate Ordinance”) and the Sewer Use Ordinance, Chapter 52, Article III, Division 4 (hereafter, the “Sewer Use Ordinance”) of the City of Carlsbad.
- 1.2 In the event that these Regulations are in conflict with the provisions of the Sewer Rate Ordinance or the Sewer Use Ordinance the provisions of these Regulations shall prevail.
- 1.3 The Approving Authority may promulgate rules and regulations as may be necessary to carry out the provisions of these regulations and protect the public from health and safety hazards. The Approving Authority may undertake immediate actions as may be necessary to protect the public from health and safety hazards. The Approving Authority may amend any Permit issued hereunder to ensure compliance with applicable laws, rules, regulations, and policies.

2.0 DEFINITIONS

- 2.1 Applicant shall mean any properly registered Hauler wishing to discharge Liquid Waste into a City of Carlsbad Disposal Site who has submitted a complete Permit application to the City.
- 2.2 Approved shall mean accepted as satisfactory under the terms of these regulations and given formal and official sanction by the Approving Authority.
- 2.3 Approving Authority shall mean the Wastewater Department Superintendent or any other city official or employee designated by the City Administrator.
- 2.4 Chemical / Portable Toilet Waste shall mean any sanitary waste from portable toilets or one-door movable sanitary facilities. Chemical / Portable Toilet Waste shall not contain any wastes prohibited in the definition for Septic Tank Waste or otherwise found to be unacceptable by the City.
- 2.5 City Sanitary Sewer System shall mean any manhole, sanitary sewer line, pump station, treatment plant, or other device or part thereof owned or operated by the City of Carlsbad for conveyance or treatment of sewage.
- 2.6 Disposal shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any Liquid Waste into an approved Disposal Site.
- 2.7 Disposal Site shall mean a permitted site or part of a permitted site at which Liquid Waste may be held, processed, or treated before discharge into the City Sanitary Sewer System.

- 2.8 Driver shall mean a person who operates a Vehicle for the purpose of transporting Liquid Waste.
- 2.9 Generator shall mean an owner, manager, leaser, user, or operator of a private septic system that contains, creates, generates, or otherwise produces Liquid Waste.
- 2.10 Grease Trap shall mean a water-tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty, liquid, semi-liquid, and/or solid wastes generated from commercial operations into the City Sanitary Sewer System to which the receptacle is directly or indirectly connected.
- 2.11 Grease Trap Waste shall mean any grease, fat or floating waste in a trap from a facility that has installed the trap into its sewer line to collect floating solids or solidified grease to prevent clogging of sewer lines. Grease Trap Waste is not an acceptable waste under these regulations.
- 2.12 Grit Trap shall mean a water-tight receptacle designed and constructed to intercept and prevent the passage of petroleum-based oil and grease waste and solids into the City Sanitary Sewer System to which the receptacle is directly or indirectly connected.
- 2.13 Grit Trap Waste shall mean any solid, liquid or semi-solid material that accumulates in waste water produced at commercial automotive or heavy machinery repair and/or washing facilities. Grit trap waste may contain petroleum-based oil, grease wastes and solids. Grit Trap Waste is an acceptable waste under these regulations.
- 2.14 Hauler shall mean any person or company registered with NMED as a Septage Hauler, who has a current valid Permit issued by the City to discharge Liquid Waste at a Disposal Site.
- 2.15 Liquid Waste shall mean water-borne solids, liquids, and gaseous substances derived from a Sand Trap, Grit Trap, chemical/portable toilet and/or septic tank and described as a Sand Trap Waste, Grit Trap Waste, Chemical / Portable Toilet Waste or Septage and found to be acceptable to the City.
- 2.16 May the word “may” wherever used in these regulations will be interpreted in its permissive sense.
- 2.17 NMED shall mean New Mexico Environment Department, or its successor agency.
- 2.18 Operator shall mean a city employee designated by the Superintendent to operate one or more Disposal Sites.

- 2.19 Permit shall mean a written license granted by the City to dispose of Liquid Waste commonly known as a “City of Carlsbad Liquid Waste Discharge Permit”
- 2.20 Person shall mean any person, individual, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof.
- 2.21 Producer shall mean one that produces Septage, Sand Trap Waste, Grit Trap Waste, Grease Trap Waste, Chemical / Portable Toilet Waste, and/or any other hauled Liquid Waste or sludge. This includes residential, commercial and/or industrial concerns.
- 2.22 Sand Trap shall mean a water-tight receptacle designed and constructed to intercept and prevent the passage of sand or silt into the City Sanitary Sewer System to which the receptacle is directly or indirectly connected.
- 2.23 Sand Trap Waste shall mean any sand, silt or solids which settle in a trap from a laundromat, auto garage, gas station, car wash, or other similar facility before the liquid waste is discharged to a sanitary sewer line. Sand Trap Waste is an acceptable waste under these regulations.
- 2.24 Sanitary Sewer shall mean a sewer, which carries sewage and to which storm, surface, and ground water are not normally admitted.
- 2.25 Septage shall mean the mixture of domestic sludge and wastewater removed during the pumping of a septic tank used in the treatment of residential or commercial domestic waste discharges. Grease, fat, grit, petroleum-based oil or grease waste, sand or silt from traps or industrial waste are not considered septage.
- 2.26 Septic Tank Waste shall mean any sanitary waste from residential or commercial septic tanks. Septic Tank Waste shall not contain industrial waste, toxic waste, radiological waste and/or hazardous waste as defined in the Resource Conservation and Recovery Act (RCRA, 40 CFR, 260, et seq.).
- 2.27 Shall the word “shall” wherever used in these regulations will be interpreted in its mandatory sense.
- 2.28 Spill shall mean the accidental or intentional loss or unauthorized discharge of Liquid Waste.
- 2.29 Superintendent shall mean a person who supervises, manages, or has authority over Liquid Waste disposal programs and activities within the City Sanitary Sewer System, and is also known as the Wastewater Department Superintendent.

- 2.30 Tank shall mean a device, designed to contain an accumulation of liquid waste which is constructed primarily of non-earthen materials (e.g., concrete, steel, plastic) to provide structural support for containment.
- 2.31 Toxic Waste shall mean any liquid, semi-liquid or solid waste material, which has the ability to chemically produce injury once it reaches a susceptible site in or on the body.
- 2.32 Trip Manifest Book means a book consisting of a three-part trip manifest used to document the generation, transportation and disposal of Liquid Waste.
- 2.33 Unacceptable Waste shall mean industrial waste, hazardous waste, grease, hydrocarbons, Toxic Waste, or any other waste other than septage, sand trap, grit trap and chemical / portable toilet wastes acceptable under the Sewer Use and Wastewater Control Ordinance of the City of Carlsbad.
- 2.34 Vehicle shall mean a mobile device such as a tanker truck or tanker trailer in which or by which liquid waste may be transported upon a public street or highway.
- 2.35 Waste Oil shall mean any oil discharged from automobiles, trucks, lathing operations, or similar items or facilities. Waste Oil is not an acceptable waste under these regulations.

3.0 SCOPE

- 3.1 Only those persons holding a current valid Permit may discharge approved Liquid Waste into the City Sanitary Sewer System and only at Disposal Sites approved by the City. A person who does not have a current valid Permit may not discharge or release waste at a Disposal Site or into the City Sanitary Sewer System. No one may intentionally or unintentionally discharge or release Unacceptable Waste at a Disposal Site or into the City Sanitary Sewer System.
- 3.2 All Permit applicants shall have a current valid NMED Septage Hauler Registration. A copy of the registration shall be provided with the Permit application.
- 3.3 All Permit applicants with a place of business in the City of Carlsbad shall possess a current valid City of Carlsbad Business Registration. A copy of the registration must be provided with the permit application.
- 3.4 These regulations shall be enforced and administered by the Approving Authority as provided herein.

4.0 LIABILITY INSURANCE COVERAGE

4.1 No Permit shall be issued to a Liquid Waste Hauler unless the Applicant procures and maintains at its own expense:

4.1.1 Automobile liability insurance with liability limits in amounts of not less than five hundred thousand dollars (\$500,000) combined single limit of liability for bodily injury, including death and property damage in any one occurrence; and

4.1.2 Public liability insurance with an aggregate limit in the amount of one million dollars (\$1,000,000).

The Permit shall not go into effect until the Applicant furnishes to the City a Certificate(s) of Insurance provided by an insurance company authorized to do business in the State of New Mexico, together with the application. The insurance policy or policies must include the City of Carlsbad as an additional insured.

4.2 Permit Bond The Applicant shall provide a Permit surety bond issued to the City of Carlsbad in the amount of \$50,000.00. The Applicant shall provide one bond with each permit application. The surety bond shall be issued by a company licensed to transact such a business in New Mexico. The bond shall name the Applicant as principal, the bonding company as surety, and the City as obligee. The bond shall assure full and satisfactory performance by Applicant of Applicant's obligations under these regulations and all applicable laws, rules, and regulations.

4.3 Indemnification and Hold-Harmless The Applicant shall agree, by submitting its application for Permit, to defend, indemnify and hold harmless the City of Carlsbad and its officers, employees, officials, and agents from and against any and all claims, actions, suits, and/or proceedings brought against the City of Carlsbad for or on account of any matter arising from the activities associated with and regulated by the Permit issued pursuant to this regulation. The indemnity required by this Regulation shall not be limited by reason of the specification of any particular insurance coverage in this regulation.

4.4 Increase in Insurance If, during the term of a permit, the New Mexico State Legislature increases the maximum limits of liability under the Tort Claims Act (Section 41-4-1 et. seq., NMSA 1978) or its successor statute, the City of Carlsbad may require the holder of the permit to increase the limits of the insurance specified in Section 4.1 of this regulation.

5.0 APPLICATION FOR PERMIT

- 5.1 As provided by these regulations, a Permit shall be obtained for each Vehicle to be used in the discharge of liquid waste into the City's approved liquid waste Disposal Site(s). Each Permit shall be valid for one (1) calendar year (January 1 through December 31) and shall be renewed before January 1 of the following year.
- 5.2 Any person or business desiring a Permit or to renew a Permit shall submit the City's application to the Approving Authority. The application shall be complete and accompanied by all required documentation. When applying for a Permit, the Applicant shall also submit a non-refundable Application Processing Fee of fifty dollars (\$50.00). If approved, the Application Processing Fee shall include the issuance of one (1) Trip Manifest Book. When applying to renew a Permit, the Applicant shall also submit a non-refundable Renewal Application Processing Fee of twenty-five dollars (\$25.00). That fee shall not include the issuance of a Trip Manifest Book.
- 5.3 Upon receipt of a complete application and fee, the Approving Authority shall review the application and documentation and inspect the vehicle for which a Permit is sought. If the Applicant, the Vehicle and the documentation pass the inspection, the Approving Authority shall issue a Permit, a Liquid Waste Disposal Site (LWDS) Number for the Vehicle and, if needed, a Trip Manifest Book.

6.0 TRIP MANIFEST BOOK

- 6.1 The Hauler shall be issued a Trip Manifest Book together with the Permit. The Trip Manifest Book shall contain trip manifest forms in triplicate for hauling Liquid Waste to a Disposal Site. This book shall be assigned the LWDS Number assigned to the Vehicle. The Trip Manifest Book shall be used by the Vehicle having the same LWDS Number and by no other vehicle.
- 6.2 Each trip manifest form shall have a space for recording each of the following:
- 6.2.1 The name, address, phone number of the Hauler;
 - 6.2.2 The LWDS Number and license plate number of the Vehicle;
 - 6.2.3 The name, address and phone number of the Generator (origin of waste);
 - 6.2.4 The type and quantity of waste hauled, and the date and place the waste was received by the Hauler;
 - 6.2.5 The Generator's signature acknowledging that the information about the Generator, the type and quantity of the waste, and the place and date is correct;

- 6.2.6 The Driver's name and signature and the date of service;
 - 6.2.7 The Driver's signature certifying the date of delivery at a Disposal Site and that the delivery occurred without incident;
 - 6.2.8 Test results, volume received and the date the waste was received at the Disposal Site;
 - 6.2.9 Whether the waste was accepted or rejected by the City; and
 - 6.2.10 The name and signature of the Operator at the Disposal Site.
- 6.3 The Hauler and the Operator shall make sure that the trip manifest form is fully completed and that the information provided is accurate. A trip manifest form shall be completed for each location serviced by the Hauler.
- 6.3 The Hauler shall give the Generator a copy of the manifest form signed trip by the Driver.
- 6.4 The original manifest form shall be dated and stamped accepted or rejected by the Operator. If the load is found to be unacceptable it will be refused and the Hauler shall remove the load from the facility.
- 6.5 The original of the trip manifest form shall be kept by the Operator. One copy of each trip manifest form shall remain in the Trip Manifest Book until the book has been completely used. Upon completion of the book, a new Trip Manifest Book with the same LWDS Number will be issued.
- 6.6 A fee of \$30.00 per book shall be paid by the Hauler for each new Trip Manifest Book issued. The cost of the new book shall be added to the monthly invoice sent to the Hauler.
- 6.7 No Applicant, Generator, Producer, Hauler, Driver or other person shall provide a false, misleading, or incomplete application, Trip Manifest Book entry, test result or other information required by or material to these regulations. Trip Manifest Books and blank and executed forms shall not be provided to or used by anyone other than the Hauler or Driver of the Vehicle to which the book or forms were issued. Unused or fully completed trip manifest forms shall remain in the Trip Manifest Book and be available for inspection during any trip to the Disposal Site. Should a Permit expire or be terminated, the Trip Manifest Book and all unused forms shall be returned to the City.

7.0 DISCHARGE FEE

- 7.1 Each Hauler shall be billed monthly for all liquid waste discharged at a Disposal Site based on the records obtained from the Hauler.
- 7.2 The Discharge Fee shall be eight cents per gallon (\$0.08/gal.) or eighty dollars per 1,000 gallons (\$80.00/1,000 gal.). If, in the City's determination, the Vehicle's Tank has a properly calibrated and operating sight glass, then the Discharge Fee will be based upon the amount of Liquid Waste in the Tank as shown by the sight glass to the nearest calibration mark. Otherwise, the Discharge Fee will be based on the total capacity of the Tank and not on load size or partial load.
- 7.3 If a particular Hauler is found to be thirty (30) days or more in arrears, neither that Hauler nor any Vehicle of that Hauler will be allowed to discharge at the City's Disposal Site.
- 7.4 The discharge fees specified herein are subject to revision by the City at any time upon adoption by the City Council. The revised discharge fee shall apply to the first billing period following the approval or as determined by the governing Body.

8.0 GENERAL CONDITIONS

- 8.1 Prior to disposal at the Disposal Site, the Driver must sign-in at the place designed by the City. The Driver shall have a completed trip manifest form in the Trip Manifest Book for data verification at sign-in. Once sign-in is completed, the Driver will be met at the Disposal Site by the Operator who will then proceed to verify vehicle information, load characteristics and its acceptability. Once all the information is verified and the load is deemed acceptable, the Operator will allow the Driver to dispose of the load. Upon completion of disposal, the Driver shall clean the immediate area of any possible spills. Once clean-up is completed, the Operator will sign the trip manifest form and remove the original manifest form (white) and return the Trip Manifest Book to the Driver.
- 8.2 Sand Trap and Grit Trap Waste Haulers shall, in addition to a completed trip manifest form(s), present a copy of the latest test results required or requested by the New Mexico Environment Department, Hazardous Waste Bureau, or its successor entity (HWB). Such test shall either be the Total Metal Concentration test or the Toxicity Characteristic Leaching Procedure (TCLP), whichever HWB deems to be more applicable. The first test shall indicate that the waste is less likely to be hazardous. The second test shall deem the waste non-hazardous.
- 8.3 Sand Trap Waste and Grit Trap Waste must be discharged at the Designated Site specified by the City for such waste. Sand Trap Waste and Grit Trap Waste shall be hauled separately from any other approved Liquid Waste. The location of each

Sand Trap and Grit Trap Waste pick up shall be specified in the trip manifest form for that waste.

- 8.4 Septic Tank Waste, Sand Trap Waste and Grit Trap Waste shall be discharged only at the City of Carlsbad Wastewater Treatment Plant or at rendering facilities, landfills, or land application sites at which such discharge is legally acceptable. Disposal at any other site within the City of Carlsbad is prohibited.
- 8.5 Chemical / Portable Toilet Waste shall be discharged at pre-approved privately owned chemical toilet discharge sites or at the Wastewater Treatment Plant or other site with advance approval in writing by the Superintendent. Industrial sludges, hazardous materials, or other Unacceptable Waste shall be returned to the Producer or disposed at a site legally authorized to accept that type of waste.
- 8.6 When each Trip Manifest Book is used up, the Hauler with a valid Permit shall purchase a new Trip Manifest Book from the Superintendent at the location by specified by the City. The new manifest book shall be purchased prior to the next visit to a Disposal Site. A new Trip Manifest Book will not be issued unless the Hauler presents the completed book for inspection.
- 8.7 The Liquid Waste Disposal Site (LWDS) Number shall be displayed on the tank of the vehicle in the following manner:
 - 8.7.1 The LWDS Number shall be painted on the upper half of the rear of the tank as follows: (Minimum size is listed for each)
 - A. Rear of tank (minimum 4" high, 5/8" thick)
 - 8.7.2 The LWDS Number must be visible at all times and must not be covered with mud, vacuum pump tubing, or any other obstruction.
- 8.8. The Liquid Waste Disposal Site Number shall identify:
 - 8.8.1 The year in which the Permit was issued:
First two digits
 - 8.8.2 The order in which the Liquid Waste Discharge Permit was approved:
Second two digits

Example: LWDS No. 1402
(Issued in 2014, the second approved permit of the year)
- 8.9 The Permit and the LWDS Number are non-transferable and may not be re-assigned, sold, or otherwise transferred from one Vehicle to another vehicle or from one Hauler to another. Permits are valid for one (1) year expiring on December 31st of each year, and shall be renewed before January 1st of the following year.

- 8.10 Liquid Waste discharges at the Wastewater Treatment Plant and at any other approved sites shall be periodically sampled to determine compliance with these Regulations and all other applicable laws, rules, regulations and policies.

9.0 VIOLATIONS

- 9.1 The Superintendent may bring action against any Applicant, Generator, Producer, Hauler, Driver or other person if the Superintendent determines that the person has violated the Permit terms and conditions, this regulation, or any other applicable law, rule, regulation or policy. The Superintendent may reject the load and request that the waste be removed from the Disposal Site. In the case of repeated violations the Superintendent may petition the City Administrator to revoke a Permit and / or to pursue penalties as set forth by law.

10.0 EFFECTIVE DATE AND FILING

- 10.1 These Regulations establishing Administrative Policies and Fees for the Discharge of Approved Liquid Wastes into the City's Sanitary Sewer System shall become effective on July 1, 2014 and shall be filed in the office of the City Clerk.

APPROVED THIS 13th DAY OF MAY 2014.

DALE JANWAY, MAYOR

City Clerk