

Ordinance No. 2011-02
Camino Real Regional Utility Authority
Sunland Park, New Mexico

CAMINO REAL REGIONAL UTILITY AUTHORITY WASTEWATER ORDINANCE

**AN ORDINANCE
ESTABLISHING THE POLICIES AND REGULATIONS
FOR WASTEWATER SYSTEMS OWNED, ESTABLISHED
OR AUTHORIZED BY CAMINO REAL REGIONAL UTILITY AUTHORITY**

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discharge prohibitions for customers of the Regional Authority's wastewater systems.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors the Camino Real Regional Utility Authority that the following policies, terms and conditions governing the establishment and operation of the Camino Real Regional Utility Authority shall have the force of law. Further, the Joint Authority Board of Directors and Staff are hereby authorized to take whatever actions they deem necessary to affect and carry out the policies, terms and conditions of this Ordinance.

Section 1. Short Title.

This Ordinance shall be known and may be cited as the "Camino Real Regional Utility Authority Wastewater Ordinance."

Section 2. Authorization.

This Ordinance is adopted in accordance with the authority granted by §§ 4-36-10 NMSA 1978, 4-37-1 NMSA 1978, 3-18-22 NMSA 1978, 11-1-3, 3-17-1 and 3-26-1 et seq. NMSA 1978.

Section 3. Jurisdiction.

This Ordinance applies to the service areas designated by the Memorandum Of Understanding dated February 10, 2005, Joint Powers Agreement entered into on February 24, 2009 and Camino Real Regional Utility Authority resolutions which detail the service area to be served by the wastewater utility, as designated and established by this Ordinance and by subsequent ordinances or resolutions.

Section 4. Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have

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the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the Act:

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

Applicant:

A person that applies for Camino Real Regional Utility Authority (Regional Authority) water service.

Biochemical Oxygen Demand (BOD):

The quantity of oxygen utilized in the biochemical oxidation of organic matter within five days at 20 degrees Celsius, expressed in terms of concentration (milligrams per liter (mg/l)) as determined by analytical procedures in 40 CFR 136.

Backflow:

An event caused by vacuum conditions in the Camino Real Regional Utility Authority water system when normal flow is reversed allowing possible polluted water or liquids to enter the regional authority's water supply system.

Backflow Prevention Device:

A device approved by the Executive Director which prevents possible back flow from system customers.

Board:

The Camino Real Regional Utility Authority Board of Directors.

Camino Real Regional Utility Authority:

An established Joint Authority for the purpose of combining all of the City of

Sunland Park water and wastewater facilities and operations with certain defined County water and wastewater facilities and operations in a designated area.

Categorical Pretreatment Standard or Categorical Standard:

Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CFR:

Code of Federal Regulations.

Chemical Oxygen Demand (COD):

A measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater as milligrams per liter (mg/l), as determined by analytical procedures in 40 CFR 136.

County:

Doña Ana County.

City:

City of Sunland Park

Camino Real Regional Utility Authority System:

A wastewater system owned, established or authorized by the Regional Authority and constructed within a community or region in the designated area of Dona Ana County and the City of Sunland Park. The Regional Authority system includes wastewater collection lines, lift stations, and any other facilities of collection and conveyance but, according to the circumstances of a particular community or area, may

or may not include a treatment facility.

Customer:

Any owner or user of a building or facility which produces wastewater that is discharged to the Regional Authority's system and/or is responsible for payment of wastewater services.

Designated Operator:

The entity which operates maintains and manages the wastewater system and which may be the Regional Authority, County, another municipality or a private entity which by contract or other similar agreement performs those duties.

Direct Discharge:

The release from any vehicle, container, wastewater line, or structure, of any waste governed by this ordinance.

Discontinuance of Service:

An intentional cessation of service by the Regional Authority which was not requested by a customer.

Engineer:

A registered professional engineer currently licensed by the State of New Mexico as a Civil or Environmental engineer.

Environmental Protection Agency (EPA):

The United States Environmental Protection Agency or, where appropriate, may also be used as a designation for the administrator or other duly authorized official of that agency.

Estimated Bill:

A bill for utility service which is not based on an actual reading of the customer's

meter, or other measuring device, for the period billed.

Executive Director:

The person designated by the Camino Real Regional Authority as its manager or acting manager to supervise the administration of the utility's duties including the operation of the publicly-owned wastewater system, and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative or designee

Facilities:

Facilities are and include, but are not limited to, plants, works, systems, improvements and equipment of the Camino Real Regional Utility Authority such as valves, conduits, pipes, collection lines, force mains, lift stations, and sludge mixing and hauling equipment.

Indirect Discharge:

The discharge or the introduction of any treated or untreated wastewater or other pollutants from any source into the Regional Authority System.

Industrial Liquid Waste:

All waterborne solids, liquids, or gaseous wastes resulting from any industrial, manufacturing or food-processing operation or process, or from the development of any natural resources, or any mixture of these with water or domestic sewage as distinct from normal domestic wastewater.

Municipal System:

The wastewater system owned, established, or authorized by a municipality, County and to which, for the purposes of this ordinance, a Regional Authority system may be connected for the treatment of wastewater.

New Mexico Environment Department (NMED):

The State of New Mexico Environment Department or, where appropriate, the term may also be used as a designation for the director or other duly authorized official of that department.

Normal Domestic Wastewater:

Any waterborne wastes normally discharging from the sanitary conveniences of buildings (including apartment houses, motels, and hotels), office buildings, factories, and institutions, free from storm surface water and industrial wastes. Normal domestic wastewater for purposes of this ordinance does not contain COD or BOD and TSS in excess of the following concentrations: COD = 500 mg/l, BOD = 250 mg/l, TSS = 330 mg/l.

Person:

Any individual, estate, trust, utility, receiver, association, cooperative, club, public or private corporation, company, firm, partnership, joint venture, syndicate, federal, state or local governmental body or any other entity.

Pollutant:

Any dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pollution:

The man made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment:

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

Rate Schedule:

A description of the charges, conditions of services and other similar information associated with the provision of wastewater service to a given class or type of customer.

Regional Authority:

Camino Real Regional Utility Authority

Regional Authority Right-of-Way:

Property owned by or maintained by the Regional Authority, including but not limited to, streets, highways, alleys, planes, sidewalks, plazas, parks, easements, curbs, and drainage ways, which constitute Regional Authority right-of-way.

Rendering of a Bill:

The mailing or personal delivery of a bill by the Regional Authority.

Resolution:

Rule, regulation or other decision adopted and enacted by the Board, under the authority of this Ordinance for the purpose of carrying-out the policies, terms and

conditions of the Ordinance.

Service Area:

Service Area means the area of land to be provided wastewater service by the Regional Authority Wastewater Utility.

Service Connection:

The pipe connection from the Regional Authority system to the facility or unit producing wastewater.

Special Service:

A service provided to a customer by the Regional Authority, which may not be included in a rate schedule.

Storm Sewer:

Facilities, which carry storm and surface waters and drainage, but excludes wastewater and industrial wastes.

Storm Water:

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

Total Suspended Solids (TSS):

The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering as determined by standard method procedures.

Trap:

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A device for retaining sand, silt, grit, mineral materials, petroleum solvent, grease or oil by gravity differential separation from wastewater and of a design and capacity approved by the Camino Real Regional Utility Authority.

User:

Customer or other person who connects to the CRRUA wastewater system.

Utility:

A utility service including water, wastewater, electric, and/or gas services.

Wastewater:

Any water-borne industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the System.

Wastewater Constituents:

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

Wastewater Discharge Permit:

A permit authorizing a user to discharge prohibited pollutants into the system, provided that they fulfill all of the reporting requirements of the permit and discharge pollutants at concentrations no greater than are listed in the permit.

Section 5. Service Area: Service Area Dispute Mediation

- A. The wastewater system will serve the designated areas of the Camino

Real Regional Utility Authority service area except those areas where a lawfully established wastewater system exists and is presently operating in its lawful service area.

B. From time to time the Regional Authority will designate as the wastewater service areas those geographical areas where Camino Real Regional Utility Authority has in place water system infrastructure capable of serving existing and new development or has the ability to expand its wastewater system to provide service to new development in the area, pursuant to this Ordinance and its Rules and Regulations, within a reasonable time.

C. The wastewater service area maps are attached hereto as Exhibit 1 which is incorporated herein and made a part hereof. This designated service area and/or map may be changed by the Regional Authority by subsequent ordinance or resolution, as the need requires, consistent with expansions of or other modifications of the Regional Authority's wastewater system as a result of new construction, operations, contracts, public or private development or plans there for.

D. If a lawfully-established wastewater system ("Competing System") believes that the Regional Authority, in designating a geographical area as an area to which the Regional Authority will provide service, is or will be intruding upon that Competing System's lawful service area, it may seek to attempt to

resolve the service area dispute with the Regional Authority by non-binding mediation prior to filing any litigation against the Regional Authority over the dispute. The filing of a mediation request and the mediation procedures shall be in accordance with the New Mexico Public Works Mediation Act (§§ 13-4C-1 through 13-4C-11 NMSA).

Nothing in this section requires the Competing System to seek mediation as a precondition to filing any litigation. The Regional Authority shall offer the non-binding mediation process to the Competing System prior to the Regional Authority filing of litigation against the Competing System over a service-area dispute.

Though the mediation is non-binding, both the Regional Authority and the Competing system shall mediate in good faith in an attempt to resolve the dispute.

Section 6. Mandatory Connection.

When, as set forth in Sections 3 and 5 above, it has been determined by the Camino Real Regional Utility Authority Board of Directors that a particular system or service area shall be subject to this Ordinance, the following provisions apply:

- A.** Except as herein provided for in Section 7: “Mandatory Connection Exceptions,” it shall be mandatory for owners of buildings and facilities which produce wastewater and are located within three hundred (300) feet of a wastewater line to connect to the Regional Authority System.

B. Upon completion, acquisition or authorization of a new Regional Authority wastewater system, owners of buildings and facilities shall connect to the system within six (6) months. The six-month period begins with a public notice/Notice of Availability from the Regional Authority announcing the system is completed or acquired and ready for service connections.

C. Connections to the Regional Authority System shall be completed in a manner and with such materials as are prescribed by the Camino Real Regional Utility Authority Wastewater Rules and Regulations and Camino Real Regional Utility Authority Wastewater Construction Standards.

D. Each building or customer shall have a separate service connection unless specifically exempted by the Regional Authority.

E. The applicant for wastewater connection shall notify the Regional Authority when the applicant's building is ready for inspection and connection to the wastewater system. After obtaining an approved User Agreement, the connection shall be completed under the supervision of the Regional Authority's representative or designee.

F. No person, other than employees of the Regional Authority, its designated operator, or authorized contractors, shall be authorized to connect, turn on, turn off, or disconnect any community service or remove, replace or repair any equipment connected to any such service.

Section 7. Mandatory Connection Exceptions.

A. Any building, which meets the following Regional Authority criteria, may be exempt from mandatory connection to a Regional Authority System upon application for exemption and approval by the Regional Authority:

1. Any building located farther than three hundred (300) feet from a connection with the Regional Authority system;

2. Access to the Regional Authority system is not available due to insufficient grade or right-of-way limitation. If a property is located near a sewer line but cannot flow by gravity into the sewer line, the property owner, at their expense, may be required to install a grinder pump system;

3. An officially declared moratorium to new connections to the system;

4. A claim for exemption based upon a clearly demonstrated hardship, which must be of such exceptional circumstances that no alternative is available. This exemption may include a recent installation of a septic system on a property prior to service becoming available; such an exemption, however, will not be automatic and will be for only a period of time as determined by the Regional Authority.

B. All buildings declared exempt from connecting to a Regional Authority wastewater system must have an approved on-site wastewater disposal system, which is in compliance with applicable local, state and federal regulations.

Section 8. Regional Authority Rules and Regulations.

The Board of Camino Real Regional Utility Authority shall have the authority to set or to modify by subsequent resolution, rule, regulation, or ordinance such standards, specifications and policies, additional service areas, rates, expansion, line extension and line sizes and other charges, conditions of service and/or other matters, as may be deemed necessary, or deemed in the Regional Authority's best interests, for the establishment, construction, expansion and maintenance and operation of the Regional Authority Wastewater Systems. Attached hereto and titled "Camino Real Regional Utility Authority Wastewater Rules and Regulations" is the present set of such Rules and Regulations, which are incorporated herein and made a part of this Ordinance and shall be effective with the effective date of this Ordinance.

Section 9. Service to Comply with Technical Provisions.

A. Any service furnished as a result of this Ordinance shall be in accordance with and in compliance with all applicable technical provisions of the Regional Authority, state and federal laws, rules and regulations, as well as this ordinance.

B. Where the wastewater system is connected to a municipal, water and sanitation district or other system not owned by the Regional Authority, any service will additionally be in accord with and will comply with applicable municipal codes, ordinances and regulations of that municipality, the water and sanitation district, or other system.

Section 10. Rates and Charges.

A. The rates and charges for the use of the Regional Authority's water system and services furnished are fixed as set forth in the Rate Schedules attached for former Doña Ana County customers (see Rate Schedule 1) and for former City of Sunland Park customers (see Rate Schedule 2). Former Doña Ana County customers and new CRRUA customers located within the County should be charged as provided-for in Rate Schedule 1, and former City of Sunland Park customers and new CRRUA customers located within the City shall be charged as provided-for in Rate Schedule 2. These different rate schedules of charges based upon location shall be in effect until such time as the City's rates, through its periodic rates increases as set forth in Rate Schedule 2, approximate the County's rates as set forth in Rate Schedule 1. At the time both sets of rates approximate each other, the Regional Authority will establish a uniform rate schedule that will be applied to all customers being serviced by the Regional Authority regardless of location.

B. All customers of the Regional Authority System shall pay all user rates, fees, and other charges as set by the Board in the manner established by the Regional Authority.

C. Fees, charges and user rates may be different depending on type of use, i.e. residential, commercial, industrial or institutional, and/or by region served.

D. The rates and charges fixed herein may be changed or modified by the Board by subsequent ordinance or resolution, as the need requires or deemed in Regional Authority's best interests.

Section 11. Non-payment of Fees, Charges and/or Rates

A. In the event of non-payment by a customer, the Regional Authority may exercise any one or combination of the following provisions:

1. bring suit to collect payment;
2. disconnect the wastewater utility service and water service ;
3. file a utility lien on the serviced property;
4. enforce the lien as provided for in §§ 3-36-1 through 3-36-7 NMSA 1978; and/or
5. enter into a payment agreement with the customer.

B. In any legal action instituted by the Regional Authority provided for above, the Regional Authority shall be entitled to recover reasonable attorney fees and costs of the lawsuit if it prevails.

Section 12. Billing and Collection.

Utility billing and collection under the authority of this Ordinance will be performed by the Regional Authority or designated agent.

Section 13. Operation and Maintenance

Utility operations and maintenance under the authority of this Ordinance will be performed by the Regional Authority or designated agent.

Section 14. Administration.

This Ordinance shall be administered by the Regional Authority's Executive Director subject to the supervision, direction and approvals of the board of directors; and enforced by the Executive Director and his or her Department with the assistance of Codes Enforcement and/or the County Sheriff's Department or the City of Sunland Police Department. Applications for service or questions concerning service should be directed to the Regional Authority's Executive Director.

Section 15. Enforcement and Penalties.

A. It shall be a violation of this Ordinance for a customer or any other person to neglect, fail or refuse to comply with or resist the enforcement of any provision of this ordinance or resolution enacted thereunder pursuant to § 4-37-3, 3-17-1 NMSA 1978. Any customer or other person found guilty by a court of competent jurisdiction of a violation of this ordinance shall be punished by a fine:

1. Not to exceed five thousand dollars (\$5,000) for the improper or illegal discharge of hazardous waste (as defined by the New Mexico "Hazardous Waste Act") into the system in any manner other than as provided in this ordinance.

2. Not to exceed three hundred dollars (\$300) for violation of any provision of this ordinance.

3. Each day that such violations exist shall constitute a separate offense.

4. In addition, the Regional Authority may, in its sole discretion

exercise its authority under § 3-18-22 NMSA 1978 to make the property owner's wastewater connection_requirements to the Regional Authority's wastewater line and to seek re-imbusement or, as provided by law, bring suit to restrain, enjoin or otherwise prevent the violation of this ordinance or compel compliance with this ordinance and/or seek enforcement pursuant to Section 11 of this ordinance.

Section 16. Regional Authority Power.

The Regional Authority Board expressly reserves the option, right and duty to adopt from time to time in addition to the provisions herein contained, such resolutions and other ordinances as the Board may deem reasonably necessary in the exercise of its police power for the protection of the health, safety and welfare of its customers and their properties.

Section 17. Notices.

All notices required to be delivered to the Regional Authority pursuant to this Ordinance shall be sent, certified mail, to the following:

Camino Real Regional Utility Authority
 Att: Board of Directors
 1000 McNutt Rd.
 Sunland Park, NM 88063

and

Camino Real Regional Utility Authority
 Att: Executive Director
 1000 McNutt Rd.
 Sunland Park, NM 88063

Section 18. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are severable.

Section 19. Conflict Provisions.

In the event the terms and/or the conditions of this Ordinance conflict with those found in any other local ordinance or State or Federal statute or regulation, the more stringent terms and/or conditions shall apply.

Section 20. Non-Waiver.

Any waiver by the Regional Authority of a violation by a person of any term or condition of this Ordinance shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the Regional Authority from enforcing any succeeding violation either of the same term or condition or another. All remedies afforded in this Ordinance shall be taken and construed as cumulative, that is, in addition to every other remedy provided herein or by law.

Section 21. Amendment Clause.

This Ordinance may be amended, as needed.

Section 22: Effective Date.


This ordinance shall become effective thirty days after it is enacted and recorded in the offices of the Clerk of the City of Sunland Park and the Clerk of Dona Ana County.

Section 23: Current customers of the County and the City of Sunland Park who will now be served by the Regional Authority:

After the effective date of this Ordinance and upon advance notice, the current customers of the County of Dona Ana and the City of Sunland Park in the designated service area established herein shall automatically and without interruption become customers of the Regional Authority, shall be provided service under the rates, terms and conditions of service set forth in this ordinance and the Rules and Regulations promulgated thereunder and shall be bound by those said rates, terms and conditions of service.

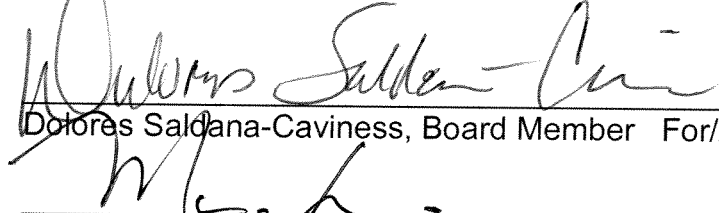
PASSED, ADOPTED AND APPROVED this 3 day of March 2011, by the
Camino Real Regional Utility Authority Board of Directors.

**CAMINO REAL REGIONAL UTILITY
AUTHORITY BOARD OF DIRECTORS**

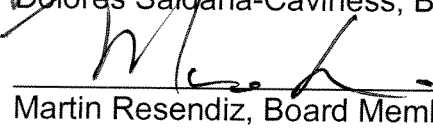


Karen Perez, Chair For/Against

Daniel Salinas, Board Vice-Chair For/Against



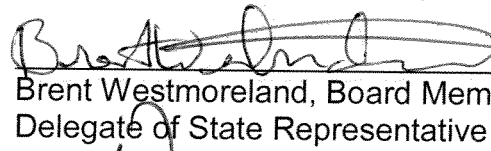
Dolores Saldana-Caviness, Board Member For/Against



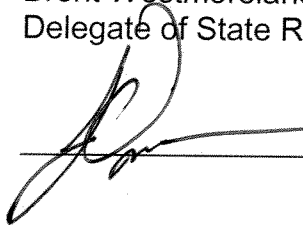
Martin Resendiz, Board Member For/Against



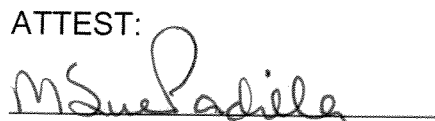
Susan Yturralde, Board Member For Against
Delegate of State Senator Cynthia Nava



Brent Westmoreland, Board Member For/Against
Delegate of State Representative Mary Helen Garcia



Board Member For/Against

ATTEST:


**CAMINO REAL REGIONAL UTILITY AUTHORITY
SUNLAND PARK, NEW MEXICO**

**CAMINO REAL REGIONAL UTILITY AUTHORITY WASTEWATER
RULES AND REGULATIONS**

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CAMINO REAL REGIONAL UTILITY AUTHORITY

Rule 1. Preamble to Rules and Regulations

The following rules and regulations apply in the designated Service area of the Regional Authority wherever the Regional Authority is furnishing wastewater service to its customers with its Regional Authority wastewater utility.

These rules and regulations are enacted by the Regional Authority pursuant to its authority granted by §§ 4-36-10 NMSA 1978, 4-37-1 NMSA 1978, 11-1-3, 3-17-1 and 3-26-1 et seq. NMSA 1978.

These rules and regulations are intended to promote safe and adequate service to the public and to provide standards for uniform and reasonable practices. The rules and regulations herein established shall remain in effect until amended or superseded by subsequent ordinance or resolution.

The Regional Authority does not assume any responsibility to serve or extend its wastewater facilities to serve additional customers located outside the service area boundaries as defined by the Regional Authority.

Rule 2. Customer Classification

Wastewater service for residential, commercial, industrial, institutional and other purposes will be furnished under conditions as stated in these Rules and Regulations. Service to a customer will be provided at the rates set forth in the applicable rate schedules.

A. Residential Service

1. Residential service shall include wastewater service to a single house or to a multiple dwelling unit or condominium if separate piping is installed for each dwelling unit so that wastewater service to each unit can be billed separately.

2. Where premises are used for both residential and commercial purposes, the wastewater service will be billed under the applicable commercial rate schedule. When separate piping is installed to permit separate wastewater service to each class of service, billing will be rendered in accordance with the applicable rate schedule.

3. Any establishment acknowledged or advertised as a business, professional or commercial enterprise will be classified as non-residential.

4. Each service will be billed separately or as otherwise agreed.

B. Commercial Service

1. Commercial service shall include wastewater service to all types of establishments including multi-family residential not included in the "residential" classification, mobile home parks served by common service line(s), retail, offices, hotels, motels, shopping centers, laundromats, none of which use water in the manufacturing process.

2. Only one premises or business will be served through one (1) service line, except a group of buildings under one (1) management and control.

3. Each service will be billed separately or as otherwise agreed.

C. Industrial Service

1. Industrial service shall include wastewater service to a manufacturing or process facility, which is engaged in producing a product.

2. An Industrial User may be required to follow pretreatment standards and obtain a wastewater discharge permit in accordance with Rules No. 22, 23 and 24.

3. Each service will be billed separately or as otherwise agreed.

D. Institutional Service

1. Institutional service shall include wastewater service to government buildings, hospitals, schools and other facilities that provide public and quasi-public services.

2. Only one premises or structure will be served through one (1) service line, except a group of buildings under one (1) management and control.

3. Each service will be billed separately or as otherwise agreed.

Rule 3. Responsibility for Wastewater Service Equipment

A. Responsibility of the Regional Authority.

1. The Regional Authority will own, operate and maintain the complete wastewater system up to the service connection.

B. Responsibility of the Customer.

1. The customer shall install, own and maintain all facilities from the service connection up to and within the connected facility or unit.

2. The customer or property owner must exercise due care for the protection of the property of the Regional Authority on the customer's premises.

3. The customer agrees, in accepting service that only a Regional Authority employee or authorized representative shall be allowed to make an internal or external adjustment of the Regional Authority's service line or any other piece of apparatus, which is the property of the Regional Authority.

W A S T E W A T E R R U L E S A N D R E G U L A T I O N S

4. Facilities or equipment necessary for special requirements shall be installed and maintained by the customer.

Rule 4. Liability of Regional Authority for Damage

A. The Regional Authority shall not be liable for any damage to any customer of a Regional Authority-owned wastewater system due to backflow of the wastewater system, failure of supply, interruption of service or any other cause outside the direct control of the Regional Authority.

B. A statement to the effect provided for in paragraph A, above, is included in the Terms and Conditions described on the Application for Wastewater Service and User Agreement.

Rule 5. Regional Authority's Right to Ingress/Egress from Customer's Property

A representative of the Regional Authority shall have the right to ingress and egress to and from the customer's premises at reasonable times for the purpose of inspecting, maintaining, testing, changing, installing, or removing Regional Authority property. If such representative, after showing proper credentials and identification, is refused admittance or hindered or prevented from performing the above duties, the customer shall be subject those actions described in the Regional Authority Wastewater Ordinance, Section 16, Enforcement and Penalties.

Rule 6. Acceptable Standards

The Regional Authority will adhere to the applicable minimum design and construction standards and technical provisions as established under state law, Federal law and/or local ordinances or Standards for Wastewater Facilities.

Rule 7. Application for Service

A. Applications for wastewater service shall be made at the Regional Authority's offices or other designated location. Applications shall be in a form prescribed by the Regional Authority, *Application for Wastewater Service and User Agreement*, and shall include specific Terms and Conditions for which wastewater service will be provided. All applicable Administrative Charges, One-Time Charges and other start-up charges as described in existing applicable rate schedules, shall be paid or payment arrangements made prior to approval by the Regional Authority. The Regional Authority shall have a reasonable time to provide wastewater service, once the application has been accepted.

B. The cost to physically connect to the wastewater service line is the responsibility of the customer. The conditions of piping and character of installation on the premises shall be subject to inspection and approval by the Regional Authority, and if such piping and/or installation are found to be faulty, the Regional Authority may refuse to provide service until, and after, such faulty installation has been corrected to the satisfaction of the Regional Authority. The Regional Authority does not assume the responsibility for such inspections and shall not be held liable for failure of such piping or installations.

C. The Regional Authority reserves the right to limit each customer to a maximum daily flow.

D. To enable the Regional Authority to provide adequate service facilities, the customer may be required to provide flow information on new construction or alterations sufficiently in advance of the date upon which the customer expects wastewater service to commence.

E. The Regional Authority shall supply service within a reasonable time after

the application or agreement is approved, and after any necessary permits have been obtained. It is the responsibility of the customer to comply with all applicable codes and to obtain the necessary permits from governmental authorities. If, due to circumstances beyond the control of the Regional Authority, service cannot be furnished within a reasonable length of time, the customer shall be advised promptly regarding the delay.

F. New or additional service will be limited to the available unreserved capacity in the collection, conveyance and treatment facilities.

Rule 8. Temporary and Special Services

A. Where service connections are available, temporary service will be furnished under the Regional Authority's established rules, regulations, and rates for the type of service required; provided, however, that the customer shall pay, in addition to the cost of service rendered under its applicable rate, the cost of installing and removing, or of connecting and disconnecting the necessary facilities required to provide such service.

B. The rate to be charged for temporary wastewater service will be in accordance with the Regional Authority's existing applicable Rate Schedules.

C. Where wastewater service is supplied directly to a mobile/manufactured home or other temporary or portable structure, the Regional Authority shall require that the Application for Service and User Agreement be in the name of the owner of the property on whose land the mobile/manufactured home or other portable structure is located. In such case, the monthly bill may be billed to the tenant as may be requested by the property owner, but the property owner will be held responsible for any unpaid charges.

D. Where wastewater service is supplied to individual mobile/manufactured

homes and other portable structures, the customer shall pay for the installation and removal cost of providing this service.

E. The Regional Authority reserves the right to furnish or not to furnish wastewater service for any type of temporary or special service and further, to define the conditions under which the wastewater service will be provided. Continuous service under normal conditions to existing customers shall take priority over customers receiving temporary service.

Rule 9. Service Connection

A. The service connection shall be constructed in accordance with the technical provisions as identified in the Regional Authority Wastewater Ordinance, Section 9. The cost of the construction is the responsibility of the customer and is subject to inspection by the Regional Authority.

B. Where applications for service are received involving service to elevations either above or below the established elevation, special engineering and economic studies may be required that could result in other than normal equipment requirements to provide such service. All circumstances will be taken into account in determining the feasibility of rendering wastewater service and where feasible, extensions will be made subject to the provisions outlined in Rule No. 25, Line Extension Policy.

C. One wastewater service line for each dwelling shall be installed on the premises except when a building houses more than one unit requiring separate wastewater connections.

D. The customer may be required to install a flow meter, lift station or other apparatus.

E. Upon connection to a Regional Authority wastewater system, on-site

systems shall be rendered incapable of future use in compliance with applicable local, state and federal regulations. The disabling of the existing system shall include but not be limited to the following:

1. Any pipe which carries waste to any location other than the Regional Authority system shall be disconnected and securely capped and sealed including inlet pipes to septic tanks, cesspools, and other types of on-site holding tanks.

2. All septage remaining in the septic tank shall be pumped out by a certified septage hauler and shall be disposed of.

3. Any on-site holding tank shall have its top broken and crushed in place and be filled with dirt, or it shall be removed and the hole backfilled to the level of the surrounding surface grade.

4. The disabled on-site system shall be inspected by a Regional Authority authorized representative/designee.

F. Piping and plumbing installations made by the customer or under responsibility of the customer shall conform to the Uniform Plumbing Code, Mechanical Code or other State, local, or Regional Authority requirements.

Rule 10. Unauthorized Connection

A. Wastewater service provided by the Regional Authority to any customer shall be used only in connection with such customer's residence, dwelling, or building to which the Regional Authority has authorized a wastewater service connection and for which a customer account exists. The customer connection must comply with technical provisions provided for in the Regional Authority Wastewater Ordinance, Section 9, be properly permitted and be successfully inspected by the Regional Authority and other local inspection authority.

B. Additional facilities shall not be connected to the existing service nor shall service be piped from one residence, dwelling, or building to another residence, dwelling or building without first obtaining a written permit, authorization and/or statement of requirements from the Regional Authority, and without first complying with any such requirements.

C. Should a connection be completed in violation of the previous paragraphs, 10.A. and 10.B., the connection will be considered unauthorized and the following actions shall be taken by the Regional Authority Utility:

1. existing rate schedule charges, shall be doubled;
2. the connection will be subject to inspection and if construction is not acceptable, the connection shall be removed and reinstalled in accordance with the Technical Provisions identified in the Regional Authority Wastewater Ordinance; and
3. the property owner will be subject to those actions as described in the Regional Authority Wastewater Ordinance Section 11, Non-payment of fees, Charges and/or Rates.

Rule 11. Interruption of Service

A. The Regional Authority will strive to furnish adequate, efficient and reasonable service. The customer should report interruption or any problems of service promptly to the Regional Authority. The Regional Authority will endeavor to restore or repair service within a reasonable time.

B. The Regional Authority will use reasonable diligence to furnish a regular and uninterrupted wastewater service; however, interruptions or problems may occur or service may be curtailed or fail as a result of circumstances beyond the control of the Regional Authority, included but not limited to those caused by public enemies,

accidents, strikes, legal processes, or damages, repairs or changes in the Regional Authority's collection, conveyance or treatment facilities. The Regional Authority will endeavor to give reasonable notice in advance of any planned effort.

C. Customers whose service requirements exceed those normally provided should advise the Regional Authority and contract for additional facilities as may be required.

Rule 12. Discontinuance and Denying Restoration of Service

A. Customers who intend to move from a premises or discontinue the use of wastewater services or in any way terminate their liability, shall give the Regional Authority or its designated representative reasonable notice of such intentions. The customer will be liable for wastewater service charges for the premises until such notice is given and the Regional Authority has also confirmed the discontinuance of water service with the water provider. Upon receipt of such notice, the Regional Authority will confirm the water provider's final meter reading within a reasonable period of time or approximately five (5) working days. The owner of the premises will be subject to the minimum fixed charge up to the time of the final meter reading.

B. The Regional Authority reserves the right to interrupt service or request the interruption of water service for a reasonable period for maintenance and repairs to its property or equipment.

C. The Regional Authority may discontinue utility service to a customer without prior notice:

1. In the event of a condition determined by the Regional Authority to be hazardous.
2. In the event of customer use of equipment in such manner as to

adversely affect the Regional Authority's equipment or the Regional Authority's service to others.

3. In the event of customer's tampering with, damaging, or destroying the equipment furnished and owned by the Regional Authority.

4. In the event of unauthorized use of service.

D. The Regional Authority may discontinue utility service to a customer with prior notice:

1. Nonpayment of a delinquent account.

2. Failure to comply with the terms and conditions of a settlement agreement.

3. Refusal to grant access at reasonable times to equipment installed upon the premises of the customer for the purpose of inspection, maintenance or replacement.

4. Failure to comply with conditions specified by the Regional Authority and/or the Application for Service and User Agreement required to obtain Regional Authority wastewater services.

5. Violation of and/or non-compliance with the Regional Authority's rules on file with the office of the Regional Authority and approved by the Camino Real Regional Utility Authority Board of Directors.

6. Failure of the customer to fulfill contractual obligations for utility service and/or facilities other than settlement agreements.

E. The Notice of Discontinuance required by this rule shall include the following:

1. A statement of the reason(s) why the Regional Authority has issued

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notice to discontinue utility service.

2. The title(s), address, telephone number(s) and working hours of the personnel at the Regional Authority responsible for carrying out the rights herein prescribed.

3. Notice that the customer may obtain a review by Regional Authority personnel to address the reasons for the discontinuance of service.

4. Notice that a complaint may be filed with the Executive Director if the customer disagrees with the Regional Authority's determination of the facts on which the proposed discontinuance is based. If the customer requests a review by the Regional Authority, discontinuance of service shall be stayed during the review.

5. The amount owed and the date by which the customer must either pay the amount due or make other arrangements with the Regional Authority concerning payment of the charges, including arrangements for a settlement agreement. The service period over which said amount was incurred, the date, and the amount of the last payment shall be available upon request.

6. Notice that the Regional Authority will not discontinue service to any residence where, upon adequate proof, the Regional Authority determines a seriously ill person or person whose life may be endangered by discontinuance of service resides.

7. Notice of a Reactivation Charge in accordance with the existing applicable rate schedules.

F. The Regional Authority shall not discontinue service for:

1. The failure of a customer to pay for special services.
2. The failure of a customer to pay for service received at a separate wastewater service point, residence or location. However, in the event of discontinuance

or termination of service at a separate wastewater service point, residence or location, the Regional Authority may transfer any unpaid balance due to any other service account of the customer.

3. Nonpayment of the disputed amount of a bill.

4. Delinquency in payment for service to a previous occupant of the same premises unless a court has found the new customer is legally liable for the debt of the previous occupant.

5. Failure of a customer to pay the bill of another customer as guarantor thereof.

G. Any customer whose service is involuntarily disconnected may be required to pay a Reactivation Charge in addition to all charges before being reconnected to the Regional Authority's utility systems.

H. The Regional Authority employee or authorized representative sent to discontinue utility service shall be empowered to receive full payment, by check or money order, of delinquent bills and, upon receipt of the full payment in a form acceptable to the Regional Authority, said employee shall be empowered to cancel the discontinuance order.

I. When a customer has indicated to the Regional Authority an inability to pay utility charges, has not been chronically delinquent, and can provide some evidence and/or documentation of hardship such as medical or other extenuating circumstances, the Regional Authority shall attempt to arrange an installment plan for the payment of past due utility charges. While an installment plan is being negotiated, the Regional Authority shall not discontinue service to such customer. In the event that either negotiation of the installment plan is discontinued or progress in its negotiation is stalled,

the Regional Authority may proceed with discontinuance of service.

J. Utility service to a customer may be discontinued only during the hours from 8:00 a.m. to 3:00 p.m. (3:00 p.m. – 5:00 p.m. allows for last minute customer payments and reconnections) on Monday through Thursday and may not be discontinued less than twenty-four (24) hours prior to a holiday or weekend unless the Regional Authority's designated business office is open for receipt of payment of past due charges and Regional Authority personnel are available to restore such service upon payment during said holiday or weekend.

Rule 13. Manner of Serving Notice to Customer

Notice by the Regional Authority to the customer may be given verbally, in person or by telephone, or in writing. A mailed written notice will be deemed received three (3) business days after mailing to the customer's billing address. Hand delivered written notice shall be deemed effective immediately upon delivery to the service address.

Rule 14. Customer Complaint Procedures

A. Inquiries or complaints concerning the application or interpretation of rates, charges and regulations may be made to the Regional Authority Utility Department or designated agent by telephone, in person, and/or in writing. The inquiry or complaint shall be documented as received in the Regional Authority's Customer Inquiry Log. Regional Authority staff or the designated agent will make every attempt to investigate, respond, and resolve the issue in a timely manner.

B. In the event that the customer is not satisfied with the action of such Regional Authority representative, the customer may direct a written complaint to the Executive Director. Such written complaints shall be fully investigated and the Executive Director shall provide a written decision in effort to resolve or satisfy the inquiry or complaint of

the customer. Any customer who does not file a written complaint with the Executive Director within thirty (30) days of the decision or action of the Regional Authority representative, which is the subject of the complaint, shall waive any right to contest such decision or action.

C. Any customer who is dissatisfied with the Executive Director's decision may, within thirty (30) days of the date of said written decision, file an appeal to the Board of Directors which shall hold a public hearing to review the Executive Director's decision. The Board of Directors may uphold, reverse or modify the Executive Director's decision.

Rule 15. Rates and Charges

The rates and charges for the use of the Regional Authority's Wastewater system and services furnished are fixed as set forth in the Rate Schedules attached for former Doña Ana County customers (see Rate Schedule 1) and for former City of Sunland Park customers (see Rate Schedule 2). Former Doña Ana County customers and new CRRUA customers located within the County should be charged as provided-for in Rate Schedule 1, and former City of Sunland Park customers and new CRRUA customers located within the City shall be charged as provided-for in Rate Schedule 2. These different rate schedules of charges based upon location shall be in effect until such time as the City's rates, through its periodic rates increases as set forth in Rate Schedule 2, approximate the County's rates as set forth in Rate Schedule 1. At the time both sets of rates approximate each other, the Regional Authority will establish a uniform rate schedule that will be applied to all customers being serviced by the Regional Authority regardless of location.

Rule 16. Security Deposits, Guarantees of Payments

A. The Regional Authority may require a security deposit or other guarantee of payment as condition of new or continued service to a residential customer, specifically in the case of service:

1. to a residential customer, who is not connected to a community water

system;

2. to a residential customer, who has not previously had utility service with the Regional Authority;

3. to a chronically delinquent residential customer of the Regional Authority,

4. to a residential customer who is being reconnected following discontinuance of service by the Regional Authority, and

5. to a residential customer who, without authority, has interfered with or connected to the Regional Authority's wastewater service.

B. Commercial and Industrial customers shall be required to make a deposit.

C. Institutional customers may be required to make a deposit if determined necessary by the Regional Authority.

D. The Regional Authority reserves the right to require an increase in the amount of previous deposit pursuant to existing applicable rate schedules, if a customer is chronically delinquent.

E. Customers who have not been delinquent for the twelve (12) month period from the date of deposit or guarantee will receive a credit to their account. If the customer fails to qualify for a refund of the deposit on the first anniversary date of the deposit, that account may be reviewed on each subsequent anniversary date of the deposit. The amount of the deposit shall be credited if the customer has not been delinquent during the preceding twelve (12) months.

F. Each customer posting a security deposit shall receive in writing at the time of tender of deposit, a receipt as evidence thereof. The receipt shall contain the following minimum information:

1. Name of customer.
2. Date of payment.
3. Amount of payment.
4. Statement of the terms and conditions governing the payment, retention, interest and return of deposits.

G. The Regional Authority shall maintain records of deposits and issue receipts of deposits in accordance with applicable requirements of state law and regulations.

Rule 17. Rendering and Payment of Bills

A. Bills will be rendered by the Regional Authority or designated agent to the customer under the applicable Rate Schedule.

B. When billing for multiple services at a residence, the use and charge attributable to each service shall be clearly set forth on the bill. Utility service to multiple locations billed to a single residential customer shall be separately stated for each location.

C. All bills for wastewater service are due when rendered, and are payable within thirty (30) days from date of bill, and if not so paid the bill shall be considered delinquent.

D. A customer shall be given at least fifteen (15) calendar days from the date the bill is deemed delinquent before the Regional Authority may discontinue utility service or request the disconnection of the water utility service, pursuant to the requirements of Rule 12 and a Late Charge assessed according to existing applicable rate schedules.

E. If the last day for payment of a bill falls on a Sunday, legal holiday, or any

other day when the office of the Regional Authority regularly used for the payment of customer bills is not open to the general public, the final payment date shall be extended through the end of the next business day.

F. The word "month" or "regular billing period" as used herein and in the rate schedules are hereby defined as a thirty (30) day period or the elapsed time between two (2) successive meter readings approximately thirty (30) days apart.

G. For calculating variable charges and in the event of the stoppage of, or the failure by any meter to register the full amount of water consumed, or of the inaccessibility of the meter, the customer will be billed for such period on an estimated consumption based upon use of water in a similar period of like use; provided, however, that such period shall not exceed six (6) months.

Rule 18. Estimated Bills

A. The Regional Authority shall not render a bill based on estimated water use to a customer unless:

1. the utility is unable to obtain access to the customer's premises through no fault of its own for the purpose of reading the meter;
2. a meter is defective or has been evidently tampered with or bypassed;
3. weather conditions prohibit meter readings or where other unforeseen conditions exist. If the Regional Authority is unable to obtain an actual meter reading for these reasons, the Regional Authority shall attempt to contact the customer and obtain access to the premises.

B. If the Regional Authority underestimates a customer's water use and subsequently seeks to correct the bill, the customer shall be given an opportunity to participate in an installment plan with regard to the underestimated amount.

C. Meters will be read or water use data obtained at regular intervals, however, if a meter reading is missed, the Regional Authority may bill the customer on an estimated consumption and the difference adjusted when the meter is again read. The basis for this estimate shall be the normal consumption for corresponding periods in the preceding year and/or normal consumption of preceding months.

Rule 19. Disputed Bills

A. The Regional Authority agrees to promptly investigate any question as to accuracy of bills for service rendered. If the bill is in error, the Regional Authority shall submit a corrected bill which reflects an increase to the customer as promptly as circumstances permit or give credit on a subsequent bill rendered to the customer in the amount of any over charge. The Regional Authority will use its best efforts to explain the error to the customer.

B. An equitable adjustment of the charges may be made in the event of an unforeseen or extraordinary circumstance not occasioned by the customer.

Rule 20. Settlement Agreements

A. Settlement Agreements shall be in writing and at the discretion of the Regional Authority. When the Regional Authority and a customer settle a dispute or when a customer does not dispute liability for an outstanding bill or bills but demonstrates an inability to pay the outstanding bill or bills when due, the Regional Authority and the customer shall enter into a settlement agreement to pay the amount of the bill. The Regional Authority is not required to enter into a settlement agreement with a chronically delinquent customer. However, if a chronically delinquent customer can demonstrate to the Regional Authority that the customer does not have adequate financial resources to pay the outstanding bill without participation in the settlement

agreement and because the customer has a low income and is elderly, disabled, or subject to other special considerations, the Regional Authority shall give special consideration to such a customer in determining whether to extend a settlement agreement to that customer.

B. Every settlement agreement, involving an inability to pay an outstanding bill in full when payable according to Rule No. 17, shall provide that service will not be discontinued if the customer pays a reasonable portion of the outstanding bill upon signing the settlement agreement and agrees to pay the remaining outstanding balance in reasonable installments until the bill is paid. For purposes of determining reasonableness, the parties shall consider:

1. the size of the outstanding balance;
2. the customer's ability to pay;
3. the customer's payment history;
4. the time that the balance has been outstanding;
5. the reasons why the balance has been outstanding; and
6. any other factors relevant to the customer's service.

C. A settlement agreement to pay an outstanding past due balance on a bill does not relieve a customer from the obligation to pay future bills on a current basis.

D. If the customer has entered into an installment plan pursuant to a settlement agreement, the customer shall receive a statement of:

1. the actual service charges incurred for the current billing period;
2. the amount of the installment payment due;
3. the total amount due [sum of (1) and (2)]; and
4. an acknowledgment of previous installment payments.

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

A. Prohibited Pollutants

1. Specific Prohibitions. No user shall introduce into the Regional Authority system any of the following pollutants which acting alone or in conjunction with other substances present in the wastewater could interfere with the operation of the Regional Authority system:

(a) Pollutants which could create a fire or explosive hazard in the Regional Authority system, including, but not limited to, wastewater streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(b) Pollutants which could cause corrosive structural damage to the Regional Authority system, but in no case, discharges with a pH lower than 5.0 or higher than 11.5;

health and safety problems as determined by the Regional Authority;

(i) Trucked or hauled pollutants, except at discharge points designated by the Regional Authority.

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

(k) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which subsequently imparts color to the treatment plant's effluent, thereby violating the Regional Authority's permits;

(l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Regional Authority;

(m) Sludge, screenings, or other residues from the pretreatment of industrial wastes;

(n) Medical wastes, except as specifically authorized by the Regional Authority in a wastewater discharge permit;

(o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the Regional Authority system;

(q) Fats, oils, or greases of animal or vegetable origin in

concentrations greater than 300 mg/l;

(r) Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limit established by the Regional Authority in compliance with applicable state or federal regulations;

(s) A sludge discharge having a flow rate or containing pollutant concentration that will cause inhibition, pass-through, or sludge contamination of the Regional Authority system, including, but not limited, the specific prohibitions defined in 40 CFR 403.5(b) to 403.12(f);

(t) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

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

2. For those situations in which a Regional Authority system is connected to a municipal, water and sanitation district, or other system not owned by the Regional Authority, the user must comply with the applicable municipal codes, ordinances and regulations of that municipality, the water and sanitation district or other system regarding prohibited discharges, industrial liquid waste, and wastewater pretreatment.

B. Wastewater Evaluation

1. The wastewater of a user shall be evaluated upon the following criteria:

(a) Whether the wastewater contains any element or compound which is not adequately removed by the treatment process and which is considered to be an environmental hazard by the Regional Authority;

(b) Whether the wastewater causes a discoloration, foam, floating oil or grease, or any other condition in the quality of the Regional Authority treatment systems effluent such that receiving water quality requirements established by law cannot be met;

(c) Whether the wastewater causes conditions at or near the Regional Authority system, which violate any statute, rule, or regulation, of any public agency of the state or the United States;

(d) Whether the wastewater contains any element or compound known to act as a lacrimator, known to cause nausea, or known to cause severe odors constituting a public nuisance;

(e) Whether the wastewater causes interference with the effluent or any other product of the treatment process such as residues, sludge or scum rendering them to be unsuitable for reclamation or reuse;

(f) Whether the wastewater has constituents and concentrations in excess of those listed herein;

(g) Whether the wastewater has a higher than normal COD (500 mg/l), BOD (250 mg/l), and/or TSS (300 mg/l) and will be subject to an extra strength surcharge.

2. The Regional Authority shall establish reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonably necessary to achieve the purpose and policy of this ordinance.

C. National Categorical Pretreatment Standards.

Certain users are now or hereafter may become subject to National Categorical Pretreatment Standards promulgated by the EPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the Regional Authority system. All users subject to a National Categorical Pretreatment Standard shall comply with all requirements of such standard, and shall also comply with any limitations contained in this ordinance. Where duplication of the same pollutant exists, the limitations which are more stringent shall prevail. Compliance with National Categorical Pretreatment Standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standards. Compliance with National Categorical Pretreatment Standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable National Categorical Pretreatment Standard, no user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

D. Prohibitions of Drainage or Ground Waters

1. Storm water, ground water, rain water, street drainage, rooftop drainage, basement drainage, subsurface drainage or yard drainage shall not be discharged to the Regional Authority system unless a storm sewer or other reasonable alternative for removal of the drainage does not exist, and then only when the discharge is approved by the Regional Authority.

2. Clean-up waters from ground water remediation sites or other non-standard industrial permitted sources will normally not be accepted into the Regional

Authority system. Exceptions will be considered on a case-by-case basis where a reasonable alternative for discharge does not exist, and then only when the discharge is approved by the Regional Authority.

3. Any entity requesting a discharge of remediation water or any other non-standard industrial permitted discharge shall prepare a detailed proposal describing the proposed discharge's characteristics, including but not limited to: toxicity, biotreatability, analysis of alternatives, hazardous nature, quantity, duration, pass-through potential, Regional Authority system biological inhibition potential and any other factors deemed appropriate by the Regional Authority.

4. The Regional Authority reserves the right, if the discharge is approved, to impose monitoring and analysis requirement on the entity making the discharge request which can include testing the discharge waters and the Regional Authority system influent, effluent and sludge. The Regional Authority reserves the right to deny any discharge request or to deny the continuation of a discharge previously approved if in the judgment of the Regional Authority the continuance of the discharge is not desirable.

E. Septic Tank or Chemical Toilet Discharges.

No user owning vacuum or cesspool-type pumping trucks or other liquid waste transport trucks shall discharge such waste into the Regional Authority system without prior approval from the Regional Authority.

F. Other Holding Tank Waste.

No user shall discharge any other holding tank or trap waste, including grit, grease, or hauled industrial wastes into the Regional Authority system without prior approval from the Regional Authority.

G. Limitations on Pollutant Concentration.

Based on the development of technically based local discharge limitations, and latest revisions, no user shall discharge wastewater into the wastewater system in excess of the concentration as set forth by the Regional Authority's permit requirements for discharge or 40 CFR 403.

H. Pretreatment of Wastewater.

1. Pretreatment required. A user generating wastewater containing waste prohibited from discharge to the Regional Authority system by this section and who desires to discharge the same to the Regional Authority system shall pre-treat or otherwise dispose of the prohibited waste so as to make the wastewater discharged to the Regional Authority system conform to the discharge standards, limits, requirements, and conditions established in this ordinance.

2. Pretreatment Facilities. User shall provide wastewater pretreatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in this ordinance as specified by the EPA, the State, local limits, or the Regional Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be prepared by an engineer and submitted to the Regional Authority for review, and shall be acceptable to the Regional Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Regional Authority under the provisions of this ordinance.

3. Additional Pretreatment Measures

(a) The Regional Authority may require users to restrict discharge during peak flow periods, designate certain wastewater be discharged only into specific locations, relocate and/or consolidate points of discharge, separate wastewater streams from industrial wastewater streams, and such other conditions as may be necessary to protect the Regional Authority system and determine the user's compliance with the requirements of this ordinance.

(b) The Regional Authority may require any user discharging into the Regional Authority system to install and maintain, on their own property and at their own expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit, as described in Rule 24, may be issued solely for flow equalization.

(c) Users with the potential to discharge flammable substance may be required to install and maintain an approved combustible gas detection meter.

I. Oil and Grease Discharge Limitations.

The Regional Authority shall monitor wastewater discharge permit holders, automotive shops, vehicle fueling stations, septic tank pumpers, commercial food processors, oil tank firms and transporters, and others as appropriate. Existing sources must maintain their traps and separation-treatment systems to insure that grease and oil does not enter the Regional Authority system. Dischargers shall be subject to monitoring, inspection, reporting and other requirements as determined by the Regional Authority in its discretion. These dischargers may not be required by the Regional Authority to apply for Wastewater Discharge Permits unless the Regional Authority determines in its discretion that they are a significant source of prohibited pollutants,

toxic pollutants in toxic amounts, extra strength discharges, or are otherwise controlled by federal regulations. Dischargers not in compliance shall also be subject to operation and maintenance costs necessitated by the oil and grease problem until the problem is corrected.

J. Surcharges.

A surcharge will be assessed against any user who discharges wastewater which is of greater strength than normal, or of greater strength than allowed by permit if applicable. Normal untreated wastewater is defined as:

1. Chemical Oxygen Demand (COD) less than or equate to 500 mg/l; or
2. Biochemical Oxygen Demand (BOD) less than or equal to 250 mg/l;

and

3. Total Suspended Solids (TSS) less than or equal to 300 mg/l.

Users with discharge exceeding the parameters defined above for normal untreated wastewater may be assessed a monthly surcharge, which shall be computed as provided for in Rate Schedule 3.

K. Miscellaneous Provisions.

1. Pretreatment Charges. The Regional Authority may adopt reasonable charges for reimbursement of costs of setting up and operating the Regional Authority Pretreatment Program which may include:

- (a) Charges for the wastewater discharge permit process as described in Rule 24.

(b) Charges for monitoring, inspection, and surveillance, including costs of sampling and analysis of user's discharge and reviewing monitoring reports submitted by users;

(c) Charges for reviewing and responding to accidental discharge procedures and construction;

(d) Other charges as the Regional Authority may deem necessary to carry out the requirements contained in this ordinance. These charges relate solely to the matters covered by this ordinance and are separate from all other charges, fines, and penalties chargeable by the Regional Authority.

Rule 23. Traps

A. Grease, oil and sand traps shall be provided and properly maintained by the user when, in the opinion of the Regional Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such traps shall not be required for private living quarters or dwelling units. Grease and oil traps shall be installed in all new service stations, garages, restaurants, and other new facilities wherein heavy discharge of grease and oil is to be expected. The user shall clean and maintain traps for proper functioning.

B. Manufactured traps acceptable to the Regional Authority and properly sized may be used in lieu of on-site construction. Where possible, the trap shall be installed outside the building.

C. The Regional Authority has design specifications for approved traps available for its customers.

Rule 24. Wastewater Discharge Permits

A. Applicability

Any user who meets any of the following criteria shall be required to have a wastewater discharge permit:

1. Users who are subject to or who become subject to a Categorical Pretreatment Standard as that term is defined in 40 CFR 403.3(j), whether or not the user discharges directly into the Regional Authority system or by way of an intermediate system;

2. Process wastewater flow greater than 25,000 gallons per day; or

3. Those engaging in activity which:

(a) Results in effluent exceeding or with high potential to exceed the specific maximum concentration of parameters specified in the Regional Authority Systems' discharge permits; and

(b) In the judgment of the Regional Authority, the site's use is in an industrial class or category which may supply an appreciable contribution of pollutants to the Regional Authority system.

B. For purposes of this Rule, when the context so indicates, the phrase PRETREATMENT STANDARD shall include either a National Categorical Pretreatment Standard or a pretreatment standard imposed as a result of the user's discharging any pollutant regulated by this ordinance. For purposes of this Rule, the term POLLUTANT shall include any pollutant identified in a National Categorical Pretreatment Standard or any pollutant identified in the Regional Authority System's discharge permits.

C. Any users who are subject to or become subject to as defined in 40 CFR 403.3(j) must comply not only with the requirements of this ordinance but also

requirements of the NMED, EPA or as described in 40 CFR 403.

D. Application for Wastewater Discharge Permit.

1. Subject users shall obtain applications from the Regional Authority. Variances shall not be granted except as allowed by EPA under regulation 40 CFR 403.13 for categorical industries and provided such variances allowed by EPA do not exceed the discharge limits established by this ordinance. The user shall submit to the Regional Authority revised plans whenever alterations or additions to the user's premises affect points of discharge to the Regional Authority system. All applications shall conform to requirements set forth in 40 CFR 403.12 to include the following information:

(a) The name and address of the user. If the user is a partnership or proprietorship, the names of all partners or proprietors must be submitted to the Regional Authority along with the name of the authorized representative.

(b) The location of such user.

(c) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the Regional Authority system.

(d) The average and maximum flow of the discharge from such user to the Regional Authority system, in gallons per day.

(e) A site plan with sufficient detail to show all connections with Regional Authority water and wastewater lines and the applicant's proposed location of a manhole or sanitary cleanout. Detailed plumbing plans shall be maintained on user's premises and made available for inspection upon request.

(f) The nature and concentration of pollutants in the discharge from each regulated process from such user and identification of any applicable Pretreatment Standards and Requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable Pretreatment Standard. If an equivalent concentration limit has been calculated in accordance with any Pretreatment Standard, this adjusted concentration limit shall also be submitted to the Regional Authority for approval.

(g) A statement, approved by an authorized representative of the user and certified by an engineer, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the user to meet the Pretreatment Standards and Requirements.

(h) If additional pretreatment or operation and maintenance procedures will be required to meet the Pretreatment Standards, then the applicant shall provide a schedule by which the user will provide such additional pretreatment.

E. Incomplete Applications.

The Regional Authority will act only on complete applications. Users who have filed incomplete applications will be notified by the Regional Authority of the nature of the deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days, the Regional Authority may deny the application for a wastewater discharge permit and notify the applicant in writing of such action.

F. Evaluation Of Applications

1. Within 45 days of receipt of complete applications, including revisions to previously approved applications, the Regional Authority shall review and evaluate the

applications and may propose such other special wastewater discharge permit conditions deemed advisable. All wastewater discharge permits shall be expressly subject to all the provisions of the Regional Authority Wastewater ordinance and all other applicable ordinances, laws, or regulations.

2. The Regional Authority may also propose that the wastewater discharge permit be subject to one or more permit conditions in regard to any of the following:

- (a) Pretreatment Requirements;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of manhole(s), sanitary cleanout(s), and appurtenance(s);
- (e) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, types and standards for tests and reporting schedule;
- (f) Requirements for submission of technical reports or discharge reports;
- (g) Requirements for maintaining records relating to wastewater discharge;
- (h) A reasonable schedule in compliance with this ordinance, not to extend beyond or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the user's compliance with pretreatment

requirements or improved methods of operation and maintenance;

(i) Requirements for the installation of facilities to prevent and control accidental discharge or “spills” at the user’s premises;

(j) Other special conditions deemed appropriate by the Regional Authority to insure compliance with this ordinance.

3. The Regional Authority may deny any application for a discharge permit.

G. Notification Of Proposed Permit Conditions; Right To Object.

1. Upon completion of evaluation, the Regional Authority shall prepare and transmit a discharge permit and notify the applicant of any permit conditions which the Regional Authority proposes.

2. The applicant shall have 30 days from the date of issue of the Wastewater Discharge Permit to file written objections with the Regional Authority to any permit conditions that are more stringent than Pretreatment Standards or limitations in this ordinance or are otherwise not listed in either. The Regional Authority shall initiate a response (verbal or written) within 30 days following receipt of the applicant’s written objections, and attempt to resolve disputed issues concerning permit conditions.

3. If applicant files no written objection to the permit it shall remain in effect. If a subsequent agreement is reached concerning changes in permit conditions, the Regional Authority shall modify the Wastewater Discharge Permit for the applicant with such conditions incorporated. In the event objections are filed by the applicant and there is no mutually accepted resolution of such objections, the Regional Authority shall issue a final determination on the requirements of the Wastewater Discharge Permit.

H. Monitoring and Reporting Requirements.

1. Monitoring and reporting submitted under this section shall be in accordance with 40 CFR 403.12.

2. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Regional Authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Regional Authority within thirty (30) days.

3. Analytical Requirements. Test procedures for measurements of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance and pretreatment standards must be employed as stated in 40 CFR part 136 unless specifically noted. For other sampling or analytical techniques not included in 40 CFR Part 136, sampling and analyses must be performed in accordance with procedures approved by EPA.

4. The reports required shall contain the results of sampling and analysis of the discharge, including the nature and concentration of the flow, or production and mass limits, where required, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the EPA under the provisions of section 304(h) of the Act (33 USC 1314(h)) and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA or the Regional Authority. Sampling shall be performed in accordance with the techniques approved by the EPA, or the Regional Authority. If a user monitors any pollutant more frequently than required by the Regional Authority, the results of this monitoring shall be included in the report.

I. Notification Of The Discharge Of Hazardous Waste.

Any user who commences the discharge of hazardous waste shall notify the Regional Authority, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the Regional Authority system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). All notifications must take place no later than 180 days after the discharge commences. Any notifications under this division need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical or ordinance pretreatment standards under any self-monitoring requirements.

J. Maintenance Of Records.

1. Any user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The date analyses were performed;
- (c) Who performed the analyses?
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

2. Any user subject to the reporting requirement established shall be required to retain for a minimum of three years any records of monitoring activities and

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

K. Duration of Wastewater Discharge Permit.

Wastewater Discharge Permits shall be issued for a maximum period of five years. Notwithstanding the foregoing, users becoming subject to a National Categorical Pretreatment Standard shall apply for new permits on the effective date of such National Categorical Pretreatment Standard. The Regional Authority shall notify in writing any user whom it has cause to believe is subject to a National Categorical Pretreatment Standard, of the promulgation of such federal regulations; provided that any failure of the Regional Authority in this regard shall not relieve the user of the duty of complying with such National Categorical Pretreatment Standard. A user must apply in writing for a renewal of the wastewater discharge permit within not more than 90 days and not less than 30 days prior to expiration of the current permit. Limitations or conditions of a wastewater discharge permit are subject to modification or change as such changes may become necessary due to changes in applicable Standard(s), in the Regional Authority's permit, in other applicable law or regulation, or for other just cause. Should such changes be necessary, a new permit will be issued which shall supersede the previous permit and be subject to the same 30-day opportunity for comment. Any change or new condition in a permit shall include a schedule for compliance. The user may appeal the decision of the Regional Authority in regard to any changed permit conditions as provided in this ordinance.

L. Reports of Changed Conditions.

Each user must notify the Regional Authority of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.

1. The Regional Authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

2. The Regional Authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

M. Modifications.

The Regional Authority may modify a wastewater discharge permit for good cause, including but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;

3. A change in the Regional Authority system that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to

operation and maintenance personnel, or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in the required reporting;

7. To reflect a transfer of the facility ownership or operation to a new owner or operator; and

8. Ability of Regional Authority to accept discharge for treatment.

N. Transfer of Permit.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days advance notice to the Camino Real Regional Utility Authority, and, the Camino Real Regional Utility Authority approves the wastewater discharge permit transfer. The notice to the Camino Real Regional Utility Authority must include a written certification by the new owner or operator which:

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

2. Identifies the specific date on which the transfer is to occur; and

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

O. Revocation of Permit.

Any permit issued under the provisions of this ordinance is subject to being suspended or revoked in whole or in part by the Camino Real Regional Utility Authority during its term for cause including but not limited to, the following:

1. Violation of any terms or conditions of the wastewater discharge permit

or other applicable law or regulation;

2. Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts;

3. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

4. Failing to meet new National Categorical Pretreatment Standards; or

5. Violation of any provision of this ordinance.

P. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of the Regional Authority Wastewater Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 15 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

Rule 25. Line Extension Policy

The purpose of this section is to define the terms and conditions for a Regional Authority sanitary sewer line extension to serve an applicant or group of applicants. Applicants for subdivision development shall refer and comply with the applicable Subdivision Regulations Ordinance, as well as this wastewater ordinance.

A. The applicant requesting wastewater service requiring a line extension must request such service in writing. The request shall describe the following:

1. number of new connections proposed;
2. classification of proposed connections;
3. wastewater flow projections; and
4. property, plat, and/or subdivision details.

The Regional Authority Executive Director shall review the application and make a recommendation to the Board of Directors for consideration and approval as to the availability and feasibility of providing such service. The terms and conditions shall be set forth in a line extension agreement to be executed by the Regional Authority and the applicant.

B. Conditions of a Line Extension

1. The Regional Authority may extend or approve the line extension in the streets, alleys, and/or easements, within the service areas in order to permit connections by applicant seeking wastewater service. The extension will be made from the nearest adequately sized wastewater line.

2. All line extensions shall be installed to the farthest property line of the lot or parcel to be developed or connected. All wastewater laterals shall be connected to the gravity wastewater line in a manner approved by the Regional Authority.

3. The size and capacity of the line extension shall be determined by the capacity needs to meet the projected development within the drainage area of the service. In the event the Regional Authority requires a larger line size than is required to serve the applicant's needs, the Regional Authority may absorb the difference in investment between the applicant's required line size and the line size required by the Regional Authority. Minimum wastewater line size is eight inches (8") diameter. The Regional Authority shall be the sole judge of proper line sizing.

4. All line extensions will be constructed in existing public roads, streets, Regional Authority-owned land, alleys, or easements. The applicant shall furnish such rights-of-way as are required without charge to the Regional Authority within property owned by said applicant and shall assist the Regional Authority in securing other

rights-of-way necessary to provide service through property not owned by said applicant.

5. The Regional Authority shall review, approve and inspect all design and construction of proposed line extensions. All line extensions shall be in accordance with and in compliance with all applicable technical provisions of Regional Authority, state and federal laws. Where the wastewater system is connected to a municipal, water and sanitation district, or other system not owned by the Regional Authority, the line extension will additionally be in accord with and will comply with applicable municipal codes, ordinances and regulation of that municipality, the water and sanitation district, or other system.

C. The total cost for the line extension as set forth shall be paid by the applicant. The costs shall be subject to future refunds to that applicant, if wastewater service is provided to a new customer, under the following terms and conditions:

1. Connection is within ten (10) years from the date of the original line extension agreement between the Regional Authority and applicant;
2. The new customer's property abuts applicant's line extension (other than at the end of applicant's line extension where the new customer's line extension is to begin);
3. The Regional Authority connects the line extension for said new customer's wastewater service to applicant's line extension;
4. The refund amount to the applicant shall be determined based on a front foot basis for individual lots or on an acreage basis for undeveloped tracts. The amount shall be calculated as a percentage of the footage and/or acreage for the total parcels already connected and to be connected to applicant's line extension;
5. Refunds made under this provision shall not exceed the amount of

applicant's contribution to construction less that portion needed to serve applicant.

D. The determination of whether the line extension for a new customer's wastewater service should be connected to an existing line extension shall be made by the Regional Authority at its discretion based on engineering considerations and the Regional Authority's plans for the development of its wastewater system.

E. Where extenuating circumstances exist and at the sole option of the Regional Authority, an extension may be made under a special long-term contract providing the contract terms are such that no adverse effects will be imposed on Regional Authority's existing customers.

F. Special conditions which affect the furnishing of wastewater service to an applicant such as elevation, terrain, capacity and other conditions resulting in increased costs to the Regional Authority in providing wastewater service shall be taken into consideration by the Regional Authority and the cost thereof shall be included in estimating the cost of providing service.

G. In addition to the costs for the sewer line extension, the property applicant must pay the Administrative Set-up Charge and the One-Time Charge as established in the Wastewater Ordinance.

H. The Regional Authority shall not under any condition be required to make an extension that would be unprofitable and thereby cause undue hardship to existing customers.

I. The provisions of this Rule apply to connections to line extensions already in existence and line extensions installed after the effective date of this ordinance.

Rule 26. Infrastructure Transfer Policy.

This section defines the Regional Authority's policy for accepting ownership and operation and maintenance of wastewater infrastructure and facilities constructed by a developer or other person or entity after an approved development or building process.

A. All infrastructures to be transferred will be agreed upon prior to approvals as set forth in this section. Acceptance of the infrastructure and facilities shall be at the Regional Authority's sole discretion.

B. All infrastructures to be transferred must have been constructed in accordance with the applicable zoning ordinance, subdivision regulations and design standards, as well as this Ordinance.

C. After final inspection and final certification by the Regional Authority or an authorized representative, the developer will provide As-Built Drawings, hard copy and electronic versions for the infrastructure to be transferred.

D. The Developer will provide easements and title documents to the Regional Authority on forms provided by the Regional Authority or approved by the Regional Authority.

E. The transfer shall be made at no cost to the Regional Authority.

RATE SCHEDULE 1

CAMINO REAL REGIONAL UTILITY AUTHORITY
DOÑA ANA COUNTY BORDER REGION
WASTEWATER SYSTEM

ADMINISTRATIVE CHARGES:

APPLICABILITY: Camino Real Regional Utility Authority (CRRUA) customers shall be charged an Administrative Set-up Charge to cover all costs related to the application process, including verifying service, locating the service line installation, and any other tasks necessary to establish availability of service. Other charges as set forth in this Rate Schedule may be required as determined by the Utility Administrator. Applicable gross receipts taxes will be added to all charges.

SERVICE APPLICATION: Customers must request service by completing an Application for Wastewater Service and User Agreement available at the offices of the regional utility or designated agent. All Administrative Charges and other required charges must be paid or payment arrangements made prior to approving the customer's Application for Wastewater Service and User Agreement.

A. **Administrative Set-Up Charge:**

Customer Classification:		Non-Compliance to Mandatory Connection (> 6 months to connect)
Residential:	\$150.00	\$300.00
Commercial:	\$300.00	\$600.00
Institutional:	\$500.00	\$1,000.00
Industrial:	\$700.00	\$1,400.00

The Administrative Set-up Charge shall increase when the hook-up of any occupied home or business exceeds six (6) months as required by the CRRUA Wastewater Ordinance. For each wastewater service area identified, the regional utility shall conduct an inventory of all dwellings at the time the "Notice of Availability" is announced. The announcement of "Notice of Availability" shall start the six-month mandatory connection period.

B. **Stand-By Charge:** All applicants that have paid the Administrative Set-Up Charge within the mandatory connection period but have not physically connected to the wastewater system shall be billed the minimum fixed monthly charge for the appropriate customer classification

(see Monthly User Charges section), beginning on the seventh month. If a customer has not paid the Administrative Set-Up Charge and is not physically connected to the wastewater system, the customer shall pay the increased Administrative Set-up Charge as described in Paragraph A, above and the minimum fixed monthly charge for the appropriate customer classification (see Monthly User Charges section). All uncollected Stand-by charges must be paid prior to connection to the system.

C. Customer Deposit: A deposit may be required pursuant to Rule No. 16, Security Deposits, Guarantees of Payments. Initial deposit amounts are as follows:

Customer Classification:	
Residential:	\$100.00
Commercial:	\$150.00
Institutional:	\$150.00
Industrial:	\$250.00

D. Installation Charges: If a customer’s property does not yet have a wastewater service connection to their property, but does have a main wastewater line within 300 feet of their property, the customer is required to pay for service connection installation charges including materials and labor. At the time of application for service, the regional utility will provide the residential and small commercial prospective customer with a set of standards that describe the type of service required. The size of the installation shall be based on the recommendation of the customer’s licensed plumber. Only licensed contractors are permitted to connect to the regional utility’s main wastewater line. The regional utility shall determine the location of the wastewater service installation. Wastewater services involving an Industrial User shall require the recommendation of a licensed plumber or engineer and shall comply with all applicable requirements of the customer’s discharge permit.

If a customer chooses to have the regional utility or its designated representative connect to the main wastewater line, the regional utility charges will be based on actual costs plus an administrative fee of 10%.

E. Exclusions: Charges described in this Rate Schedule may not be applicable to wastewater system customers where the installation of new connections, wastewater lines and facilities have been completed with the support of federal, state, and/or other grant funds.

CAMINO REAL REGIONAL UTILITY AUTHORITY
DOÑA ANA COUNTY BORDER REGION
WASTEWATER SYSTEM

ONE - TIME CHARGE:

APPLICABILITY: The One-Time Charge is applicable to all new customers who connect to the Camino Real Regional Utility Authority's system. Service will be furnished in accordance with the CRRUA's Rules and Regulations addressing wastewater service. Applicable governmental gross receipts taxes will be added to all charges.

A. One-Time Charge:

Water Meter Size:	
5/8" x 3/4"	\$1,000.00
1"	\$1,600.00
1 1/2"	\$2,500.00
2"	\$6,000.00

The One-Time Charge for customers with water meter size greater than 2" shall be determined on a case-by-case basis. The evaluation will include but is not limited to consideration of the volume and characteristics of wastewater discharge, pretreatment requirements, and the cost to the wastewater utility's infrastructure and treatment capacities. The determination shall be described and executed by contract.

B. Multi-unit Service Lines with Individual Meters:

A customer may request individual meters to be installed for a multi-unit property. A master meter shall be required and the One-Time Charge for the applicable meter size will be applied. For each individual meter requested to be installed beyond the master meter, a Multi-Unit Surcharge will be required at \$157.50 per unit.

C. Exclusions: Charges described in this Rate Schedule may not be applicable to wastewater system customers where the installation of new connections, wastewater lines and facilities have been completed with the support of federal, state, and/or other grant funds.

CAMINO REAL REGIONAL UTILITY AUTHORITY
DOÑA ANA COUNTY BORDER REGION
WASTEWATER SYSTEM

MONTHLY USER CHARGES:

APPLICABILITY: The Residential and Commercial Rates are available only for normal wastewater dischargers at individual residences, individual dwelling units, individual farm units, apartments, and commercial establishments. Service shall be provided through a single wastewater service line at a location to be designated by the regional utility.

Service will be furnished in accordance with the Camino Real Regional Utility Authority's ordinances and Rules and Regulations addressing wastewater service, available at the regional utility's offices.

SERVICE AREA: The service areas are designated in the CRRUA Wastewater Ordinance (Section 5). The regional utility maintains maps of the service areas.

A. **Monthly Fixed and Variable Charges:** The charge for wastewater service provided shall be the sum of Fixed (F) and Variable (V). Applicable governmental gross receipts taxes will be added to all charges.

	FIXED (F)	VARIABLE (V)
Customer Classification:	Minimum Charge (up to 7,000g)	Per 1,000g @ 80% of usage ¹
Residential:	\$21.00	\$1.40/1000g ²
Commercial:	\$42.00	\$1.40/1000g
Institutional:	\$60.00	\$1.40/1000g
Industrial:	\$100.00	\$1.40/1000g
Multi-Use	\$21.00/dwelling unit	\$1.40/1000g

1. Commercial, Institutional, and Industrial Variable Charge: Gallons in excess of 7,000 are charged at the rate of \$1.40 per 1,000 gallons as measured by taking 80% of the monthly water usage as determined from water records. Customer usage is measured monthly or estimated where water service data is not available

2. Monthly charges for new customers or customers for which water data is not available will be determined based on similar customer of the same classification. If and when water data is available the monthly charge shall be adjusted.

B. Minimum Charge: The minimum charge under this Schedule shall be the Fixed Monthly Charge regardless of volume of flow measured.

C. Surcharge for Excess Waste Strength: A Surcharge shall be applied to all users for excess wastewater strength above domestic levels as defined by this ordinance. The Utility Administrator shall determine the charge on a case-by-case basis.

