

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF:)
THE APPLICATION OF S&R)
SEPTIC FOR THE RENEWAL OF)
A SEPTIC DISPOSAL FACILITY,)
DISCHARGE PERMIT, DP-465)

GWB 19-28 (P)

NOTICE OF FILING

Attached hereto is another additional exhibit labeled "Rael 7".

Respectfully submitted,

DOMENICI LAW FIRM, P.C.

/s/ Pete V. Domenici, Jr.
Pete V. Domenici, Jr., Esq.
320 Gold Avenue SW, Suite 1000
Albuquerque, New Mexico 87102
(505) 883-6250
pdomenici@domicilaw.com

I hereby certify that a true and correct copy of the foregoing was provided to opposing counsel of record this 14th day of October, 2019 via e-mail.

/s/ Pete V. Domenici, Jr.
Pete V. Domenici, Jr., Esq.

EXHIBIT
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Paeel 7



RESOLUTION 14-62

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TAOS ESTABLISHING ADMINISTRATIVE POLICIES AND A FEE STRUCTURE PERTAINING TO ALL SEPTIC TANK WASTE TRANSPORTED FROM THE TAOS VALLEY FOR DISPOSAL AT THE TAOS VALLEY REGIONAL WASTEWATER TREATMENT FACILITY.

WHEREAS, the Town Council of the Town of Taos recognizes the need to provide it's community and the citizens of Taos County with a means for the disposal and treatment of Septic Waste which is environmentally acceptable;

NOW THEREFORE, be it resolved, by the Town Council, the governing body of the Town of Taos, that:

- 1.) A septage discharge facility is established at the Taos Valley Regional Wastewater Treatment Facility, located at 182 Los Cordovas Road for the purpose of receiving septic waste from licensed and approved septic haulers.
- 2.) The policies and procedures contained herein shall be followed by all users of this facility.
- 3.) The charges, fees, and rates prescribed herein shall be charged to all users of this facility, and are subject to change as deemed necessary by the Town Council of the Town of Taos by further Resolution.
- 4.) The Town of Taos reserves the right to refuse service to anyone if the user fails to comply with the Policies, Procedures, Rules and Regulations as established herein, or if discharge of such waste poses a threat to the proper treatment of sewerage at the Taos Valley Regional Wastewater Treatment Facility. The fees listed in this resolution shall be in addition to any required by separate ordinance or resolution;

BE IT FURTHER RESOLVED, that the policies, procedures, regulations and fees listed herein have been established by the Town Council, the governing body of the Town of Taos as follows:

Purpose: The Town of Taos Septage receiving station has been constructed for the purpose of providing an environmentally safe and economical disposal site for the discharge of domestic and small commercial septic waste.

Location and Hours of Operation: The Septage Discharge Facility is located at 182 Los Cordovas Road. The Town of Taos Septage Discharge Facility is operable twenty-four hours a day, seven days a week via secure access. Such access to the facility is available through coordination with the Town of Taos or the Town's designee (currently CH2MHILL).

Fees: The discharge fees listed below will be charged based on the actual amount of discharge only if the truck is equipped with an adequate measuring device which has been inspected and approved by a



designated representative of the Town of Taos. Any discharge from a truck not having an approved measuring devise, will be charged based on truck tank capacity, regardless of the actual gallons being discharged

Random sampling will be conducted on loads accepted at the septage receiving station, a budget for sampling will be established in the Waste Water Treatment Facility operating budget. In the event the septic hauler discharges an unacceptable load he/she will be billed for the testing and lab results not to exceed \$1500.00 per test and will lose their dumping privileges for up to one (1) year.

Fees for discharging septage waste will be as follows.

TANK CAPACITY	COST PER LOAD
1 - 2000 GALLONS	\$ 45.00
2001 - 3000 GALLONS	\$ 55.00
3001 - 4000 GALLONS	\$ 65.00
4001 - 5000 GALLONS	\$ 75.00

All fees may be subject to change when viewed as necessary by the Town Council of the Town of Taos



Account start-up Procedures: Any Septage hauler wishing to utilize the Septage Discharge Facility will be required to set up an account at the Utility Billing Office located at 400 Camino de la Placita. Septage haulers will be charged a deposit of \$250.00 to activate their account. Septic Haulers, who have previously established accounts with the Town of Taos for Septic Discharge, will not be required to pay new account deposits. Users will be billed on a monthly basis for the total number of loads discharged during the billing period. All Septage haulers must provide proof of current discharge permit, appropriate State of New Mexico licensing and insurance annually. Companies conducting business with the Taos Valley Regional Wastewater Treatment Facility will be required to obtain and renew a business license with the Town of Taos on an annual basis. The Septage Hauler must acknowledge receipt of the TOWN's current Resolution regarding Policies and Fees set forth herein using the acknowledgement form attached hereto. This acknowledgement shall constitute the Hauler's agreement to be bound by to abide by the terms of this Resolution.

Fines for Violations: This facility has been provided as a service to the community, any misuse or fraudulent use of this facility is subject to fines up to \$1,000.00 and/or revocation of discharge privileges. Fines for any violation to the discharge policies and procedures may be invoked on both the owner and his/her representative when in the opinion of the Town of Taos; the hauler's representative knowingly violated the policies and procedures for discharging septic waste.

Vehicle Inspections: Any truck discharging at this facility must be inspected to verify the size of tank and to insure that no leaks are present prior to allowing the vehicle in question to use this facility. All trucks must have the Company name and tank capacity displayed and clearly visible on the unit. Proof of appropriate permits, licensing and insurance must be kept on each vehicle and made available for inspection upon request. All trucks using this facility are subject to inspection at any time by a representative of the Town of Taos or the Town's designee (currently CH2MHILL). Any vehicle failing to pass inspection will not be allowed to use this facility until all deficiencies are corrected.



Manifests: Manifests must be filled out for each pump location per truck. Manifests must be submitted to the Town of Taos or the Town's designee (currently CH2MHILL) at the time of discharge. All discharge

records will be kept on file and are subject to review by the New Mexico Environment Department. Blank Manifest forms are available at the Taos Valley Regional Wastewater Treatment Facility. Any falsification of manifest information shall be considered a gross violation and is subject to immediate revocation of privileges and a fine for the maximum allowed by law. Anyone caught committing such a violation will also be reported immediately to the New Mexico Environment Department with a recommendation for severe action by that authority.

Liability Insurance Requirements: Prior to discharging septic waste at the designated location, septic haulers must maintain and have available for inspection, proof of liability insurance in an amount at least equal to the minimum requirements set forth by the New Mexico Tort Claims Act, Sec. 41-4-19, N.M.S.A. 1978 (as amended and specified herein) and name the Town of Taos as additional insured on the policy. If, during the term of a permit, the New Mexico State legislature increases the maximum limits of liability under the Tort Claims Act (Section 14-4-1 et. seq., NMSA 1978) or its successor statute, the Town of Taos may require the holder of the permit to increase the limits of the insurance specified in this Section.

Indemnification: The Septic Hauler and his/her representatives agree, to the fullest extent permitted by law, to indemnify and hold the Town harmless from damages and losses arising from the negligent acts, errors or omissions of the Septic Hauler or his/her representatives in the use of this facility, to the extent that the Septic Hauler is responsible for such damages and losses on a comparative basis of fault and responsibility between the Septic Hauler and the Town. The Septic Hauler is not obligated to indemnify the Town for the Town's own negligence. The Septic Hauler further agrees to hold harmless the Town from all personal claims for any injury or death sustained by the Septic Hauler, his employees, agents or other representatives while engaged in the performance of this contract.

Subcontractors: Subcontracting services under a discharge permit or account is not permitted. Such subcontractors will not be allowed to use the Septage Discharge Facility until the subcontractor meets all the conditions set forth herein and operate under his/her own service account with the Town of Taos.

Acceptable waste: Domestic wastes from residential and commercial septic tanks are permitted for dumping at the designated receiving site.

Non-acceptable waste: Any liquid or vapor having a temperature exceeding 150 degrees, any waste containing fifty parts per million in weight of fat, oil or grease, any waste containing a pH lower than 5.5 or higher than 9 or having corrosive properties capable of causing damage or hazard to structures, equipment or personnel, any waste containing toxic, radioactive or poisonous substances in sufficient amounts to injure or interfere with treatment or constitute a hazard to humans or animals, any sand or grit, any garbage hazardous waste, industrial waste, toxic waste, petroleum products and chemical waste are prohibited from dumping into the Town of Taos Septage Discharge Facility. Septic haulers must make alternate arrangements for disposing of non-acceptable waste materials listed herein.

Any hauler wishing to discharge waste(s) not listed herein must receive prior approval from the Town of Taos, Wastewater Treatment Plant Manager before discharging at the designated site. If you are uncertain about the type of waste you are proposing to discharge please contact the Taos Valley Regional Wastewater Treatment Facility at (575) 758-8401, or the Town of Taos Public Works Department, 1030 Dea Lane, Taos, New Mexico at (575) 751-2047 or between the hours of 8:00AM and 5:00PM Monday thru Friday.

Limitations to Service Area: The Town of Taos recognizes the need to provide this service to our community and surrounding area, however due to concerns with controlling the discharge to this facility, the service area will be limited to waste produced within Taos County and certain approved locations in

the immediate surrounding area. Waste produced outside of the service area will not be accepted at this facility. Septic haulers must make other arrangements for disposing of such septic waste. The Taos Valley Regional Wastewater Treatment Facility will only accept a maximum of 10,000 gallons of septic per hauler per day and 30,000 gallons of septic waste combined per day.

Unloading Procedures: Drivers must report to the Taos Valley Wastewater Treatment Facility, located at 182 Los Cordovas Road to log in loads, for unloading. Septic Haulers are responsible for cleaning up all spills and for following all safety procedures while using this facility. A yard hydrant will be available at the discharge site for rinsing tanks. Washing trucks is prohibited at this site. Anyone abusing the use of this hydrant is subject to revocation of privileges. Each hauler must provide a garden hose and spray nozzle for any clean up required after discharging of septic waste. Neither the Town of Taos nor the Town's designee will provide hoses for cleanup.

Any Septic Hauler causing damages to Town of Taos property will be billed for repairing said damages and are subject to fines if said damages were a result of abuse or negligence. Any violation(s) to the discharge regulations will result in citations and possible revocation of discharge privileges.

All Policies, Procedures and Fee's described herein are subject to change at the discretion of the Town of Taos.


Severability: In the event that a court of competent jurisdiction finds that any term or provision of this Agreement is void, or otherwise unenforceable, all other terms and provisions shall remain intact and enforceable where not otherwise inconsistent with the Court's findings.

THIS RESOLUTION SUPERCEDES AND REPLACES TOWN OF TAOS RESOLUTION 14-22 AND ALL OTHER PRIOR VERSIONS.


PASSED, APPROVED and ADOPTED, this 25th day of November, 2014, at the Regular Meeting of the Town Council by the following vote:

Mayor Pro Tem Andrew Gonzales	YES
Councilmember Judith Cantu	YES
Councilmember George "Fritz" Hahn	YES
Councilmember Frederick A. Peralta	YES

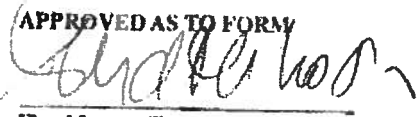
TOWN OF TAOS


Daniel R. Barroge, Mayor

ATTEST:


Renee Lacerro, Town Clerk

APPROVED AS TO FORM


Floyd Lopez, Town Attorney

Acknowledgment of Receipt of Policies and Procedures Governing the Use of the Town of Taos Septic Receiving Facility.

I the undersigned representative for _____, acknowledge receipt of the Policies and Procedures governing the use of the Town of Taos Septage Discharge Facility, and agree to comply with all the terms and conditions listed herein while using this facility. It is further understood and agreed, that it shall be the responsibility of the undersigned septic waste hauler to inform any employee or representative of said hauler of all policies, procedures, rules, regulations and fees related to the use of this facility. Failure to inform his/her employees shall constitute a violation and is subject to revocation and/or fines as outlined in the Policies and Procedures.

Company Name: _____

Signature

Date