



VILLAGE OF CORRALES

ORDINANCE NO. 08-006

4
5 **AN ORDINANCE REQUIRING THAT ADVANCED TREATMENT**
6 **UNITS BE PROVIDED FOR TREATMENT OF LIQUID WASTE**
7 **FROM NEW BUILDING CONSTRUCTION IN DESIGNATED**
8 **AREAS OF THE VILLAGE OF CORRALES; DEFINING THE**
9 **AREAS IN WHICH SUCH ADVANCED TREATMENT UNITS**
10 **SHALL BE REQUIRED; SETTING STANDARDS FOR**
11 **ADVANCED TREATMENT UNITS; PROVIDING THAT NO SITE**
12 **DEVELOPMENT PLAN OR BUILDING PERMIT FOR NEW**
13 **BUILDING CONSTRUCTION SHALL BE ISSUED WITHOUT**
14 **PROVISION FOR THE REQUIRED ADVANCED TREATMENT**
15 **UNITS; PROVIDING THAT NO CERTIFICATE OF OCCUPANCY**
16 **SHALL BE ISSUED UNLESS SUCH ADVANCED TREATMENT**
17 **UNIT IS INSTALLED AND OPERATIONAL; REQUIRING**
18 **REGULAR MONITORING AND REPORTING FOR ADVANCED**
19 **TREATMENT UNITS; PROVIDING A PENALTY FOR**
20 **VIOLATION.**

21
22 **WHEREAS**, the Village of Corrales (the "Village") and its residents rely on
23 groundwater from the aquifer underlying the Village to provide water supplies for
24 domestic, commercial, and other purposes; and

25
26 **WHEREAS**, the Village Council, the governing body of the Village (the
27 "Governing Body") has provided for the investigation of groundwater quality in the
28 Village and has considered the results of the investigation; and

29
30 **WHEREAS**, based on the results of the groundwater quality investigation and on
31 other information made available to it, the Governing Body has determined that without
32 adequate provision for the treatment of waste water there is a potential for local
33 deterioration of groundwater quality in the Village; and

34
35 **WHEREAS**, the Governing Body has caused to be prepared a Wastewater
36 System Peer Review Report (the "Peer Review Report"), which was presented to the
37 Governing Body in February 2008; and

38
39 **WHEREAS**, among other recommendations the Peer Review Report
40 recommends that advanced treatment units (as hereinafter defined) should be required for
41 new building construction in the Village outside of the Corrales Road commercial area;
42 and

43
44 **WHEREAS**, the Governing Body finds and determines that a requirement for
45 advanced treatment units on new building construction in the Village will assist in the

46 prevention or minimization of groundwater quality deterioration and will benefit the
47 health, safety and general welfare of the Village and its residents; and

48
49 **WHEREAS**, the Governing Body finds and determines that requiring advanced
50 treatment units in conjunction with new building construction will not impose an
51 unreasonable financial burden on property owners or others; and

52
53 **WHEREAS**, the Governing Body further finds and determines that advanced
54 treatment units for new building construction in all areas of the Village, except only the
55 Corrales Road commercial area where it is anticipated that an alternative wastewater
56 collection and treatment system will be provided.

57
58 **NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the
59 Village of Corrales, New Mexico, that the following Article shall be adopted and
60 incorporated as a part of the Code of Ordinances of the Village, as hereinafter set forth:

61
62 **Section 1. Purpose.**

63
64 The purpose of this article is to provide for the health, safety and welfare of the
65 Village and its residents and for the protection of the aquifer upon which the Village and
66 its residents rely for their water supply, by providing for the advanced treatment of waste
67 water from new residential and commercial construction in the Village.

68
69 **Section 2. Definitions.**

70
71 The following words, terms and phrases, when used in this article, shall have the
72 meaning defined in this section, unless the context clearly requires otherwise.

73
74 *Advanced treatment* means a liquid waste treatment process that, through
75 application of physical or chemical processes, removes a greater amount of contaminants
76 or potential contaminants from waste water than is accomplished through primary
77 treatment.

78
79 *Advanced treatment unit* means a liquid waste treatment unit which produces
80 effluent meeting the requirements of either secondary treatment standards or tertiary
81 treatment standards.

82
83 *Building* means any roofed structure built for occupancy and use by persons or
84 property, including animals or livestock.

85
86 *Corrales Road commercial area* means all properties abutting either side of
87 Corrales Road from Meadowlark Lane on the south to Old Church Road on the north.

88
89 *Liquid waste* means the discharge of wastewater from any residential or
90 commercial building, and includes without limitation human excreta and water-carried
91 waste from plumbing fixtures including, but not limited to, wastes from toilets, sinks,

92 showers, baths, clothes- and dishwashing machines and floor drains, but does not include
93 industrial process wastewaters, roof drainage, mine or mill tailings or wastes, or wastes
94 produced by animals or livestock.

95
96 *New building construction* means the construction of any new building from
97 which liquid waste will be discharged, but does not include construction of additions or
98 expansions to existing buildings, unless the addition or expansion will result in an
99 increase of liquid waste discharge requiring a new liquid waste treatment system under
100 applicable federal, state, or local laws, rules or regulations.

101
102 *Primary treatment* means a liquid waste treatment process that takes place in a
103 treatment unit and allows those substances in wastewater that readily settle or float to be
104 separated from the liquid waste being treated.

105
106 *Secondary treatment standards* means the treatment system standards set forth in
107 Section 20.7.3.602 of the New Mexico Administrative Code, or any future secondary
108 treatment standards adopted by the New Mexico Environment Department.

109
110 *Structure* means any construction or any production or piece of work constituting
111 a combination of materials to form an edifice or building of any kind, or a construction
112 for occupancy, use or ornamentation, that is installed on, above, or below the surface of
113 the land.

114
115 *Tertiary treatment standards* means the treatment system standards set forth in
116 Section 20.7.3.603 of the New Mexico Administrative Code, or any future tertiary
117 treatment standards adopted by New Mexico Environment Department.

118 **Section 3. Scope and application of article.**

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120
121 (a) This article shall be applicable to new building construction in the Village
122 which commences on or after January 1, 2009, and is located outside of the Corrales
123 Road commercial area. For purposes of this article, construction shall be deemed to
124 commence on the date of site development plan approval if applicable, or on the date of
125 issuance of a building permit, whichever is earlier.

126
127 (b) The requirements of this article shall be deemed to be the minimum
128 requirements necessary to comply with Village standards for liquid waste treatment for
129 new building construction. Nothing in this article shall be construed to prohibit or
130 prevent the treatment of liquid waste to a higher standard which results in contaminant
131 concentrations that are less than the minimum requirements contained in this article. In
132 the event of any conflict between this article and the provisions of any other federal, state
133 or local laws or regulations, the provisions that are more restrictive or more protective of
134 the environment shall control.

135 **Section 4. Installation, design and construction standards.**

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137

138 (a) Before occupancy, new building construction shall have installed and
139 operational an advanced treatment unit or advanced treatment units with sufficient
140 capacity to treat all liquid waste that will be discharged from the new building
141 construction.

142
143 (b) An advanced treatment unit meeting secondary treatment standards shall
144 be sufficient to comply with the requirements of this article, unless an advanced treatment
145 unit meeting tertiary treatments standards or more stringent treatment standards is
146 required by applicable federal, state or local laws, rules or regulations.

147
148 (c) Disposal or effluent discharged from the advanced treatment unit shall
149 meet or exceed all secondary treatment standards. All advanced treatment units shall be
150 designed and installed in a manner that provides a sampling port or similar access for the
151 convenient sampling of effluent discharged from the advanced treatment unit.

152
153 (d) All advanced treatment units shall be design and constructed in
154 accordance with the manufacturer's recommendations and all applicable provisions of the
155 New Mexico Administrative Code.

156
157 (e) All advanced treatment units shall either (1) be of a standard design
158 certified for the applicable level of treatment by the Wastewater Technical Advisory
159 Committee of the New Mexico Environment Department, or (2) shall be designed and
160 certified for the applicable level of treatment by a professional engineer licensed to
161 practice in the State of New Mexico. All advanced treatment units shall be certified by
162 both the American National Standards Institute and the National Sanitation Foundation.

163
164 **Section 5. Operation, maintenance, reporting and repair.**

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166 (a) Advanced treatment units shall at all times be operated and maintained in
167 accordance with all recommendations of the manufacturer or installer and in such a
168 manner as to ensure that the effluent from the advanced treatment unit meets all
169 applicable standards. It is the responsibility of the landowner to ensure compliance with
170 all standards for operation and maintenance.

171
172 (b) For each advanced treatment unit installed in the Village, the landowner
173 shall submit documentation of regular monitoring, maintenance, sampling, analysis and
174 inspection of the advanced treatment unit by a qualified maintenance service provider in
175 accordance with the manufacturer's recommendations and the standards set forth in
176 Sections 20.7.3.901 and 20.7.3.902 of the New Mexico Administrative Code. For
177 advanced treatment units newly installed after January 1, 2009, the first report to the
178 Village shall be due on the date which is eight (8) months after the date the advanced
179 treatment unit is installed or eight (8) months after the date a certificate of occupancy for
180 the building served by the advanced treatment unit is issued, whichever is later. For
181 advanced treatment units installed before January1, 2009, the first report to the Village
182 shall be due on June 30, 2009. The second, third, and fourth reports shall be due,
183 respectively, on the dates which are six (6), twelve (12), and eighteen (18) months after

184 the date the first report was submitted. Reports thereafter shall be submitted annually,
185 and shall be due on the anniversary of the date that the fourth report was submitted. Each
186 report shall contain a clear, accurate, and complete summary of all monitoring,
187 maintenance, sampling, analysis and inspection events after the period covered by the last
188 preceding report. Reports required by this Article shall be hand delivered, telefaxed, or
189 sent via first class mail, postage prepaid, to:

190
191 Village of Corrales
192 Water Quality Monitoring Program
193 4324 Corrales Road
194 Corrales, New Mexico 87048
195 Telefax No.: (505) 897-7217
196

197 (c) In the event it is found that the disposal or effluent from any operational
198 advanced treatment unit does not meet secondary treatment standards, or tertiary
199 treatment standards if applicable, the landowner shall within thirty (30) days after notice
200 of such finding repair or modify the advanced treatment unit, or cause the advanced
201 treatment unit to be repaired or modified, so as to meet the applicable treatment
202 standards.
203

204 **Section 6. Enforcement.**
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206 (a) After January 1, 2009, no site development plan for new building
207 construction shall be approved and no building permit for new building construction shall
208 be issued unless the site development plan or building permit application includes
209 provision for an advanced treatment unit meeting applicable provisions of this article or
210 this article provides a specific exemption from the requirement for such an advanced
211 treatment unit.
212

213 (b) No certificate of occupancy shall be issued for new building construction
214 unless all required advanced treatment units have been installed and constructed and are
215 fully operational.
216

217 (c) The planning and zoning administrator of the Village and any other officer
218 or agent of the Village designated by the planning and zoning administrator shall have
219 power and authority to enter onto any lands to inspect any liquid waste treatment unit of
220 wastewater treatment system of any nature whatsoever, to collect samples of liquid waste,
221 effluent, and other materials as deemed appropriate by the planning and zoning
222 administrator, and to make such other inspections as deemed appropriate to determine
223 whether any advanced treatment unit or other type of liquid waste treatment unit meets all
224 requirements of this article.
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226 (d) The planning and zoning administrator shall enforce the provisions of this
227 article, and shall have all powers and authority reasonably necessary to provide for such
228 enforcement.
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230 **Section 7. Penalty for violation of article.**

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232 Any person violating the provisions of this article or failing or neglecting to
233 comply with any order issued by any officer of the Village pursuant to any section of this
234 article shall be guilty of a misdemeanor and, upon conviction shall be subject to
235 punishment in accordance with section 1-6. Each day or portion thereof during which a
236 violation of any provision of this article is continued or permitted shall be a separate
237 offense punishable in accordance with section 1-6.

238
239 SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this
240 Ordinance be held to be invalid or unenforceable for any reason, the invalidity or
241 unenforceability of such section, paragraph, clause or provision shall not affect any of the
242 remaining provisions of this Ordinance. The Governing Body of the Village of Corrales
243 hereby declares that it would have passed this Ordinance and each section, subsection,
244 sentence, clause, word or phrase thereof irrespective of any one or more sections,
245 subsections, sentences, clauses, words or phrases being declared unconstitutional or
246 otherwise invalid.

247
248 COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as
249 Chapter 36 (WASTEWATER), Article II (ADVANCED TREATMENT UNITS) of the
250 Code of Ordinances of the Village of Corrales. Chapter 35 and Chapter 36, Article I shall
251 be reserved for future materials.

252
253 EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and
254 be in full force and effect from and after its passage, publication and posting, according
255 to law.

256
257 **PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village
258 of Corrales, New Mexico, this ____ day of July, 2008.

259
260 APPROVED:

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264 _____
265 The Honorable Philip Gasteyer
266 Mayor

267 ATTEST:

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271 Juan J. Reyes
272 Village Clerk
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