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STATE OF NEW MEXICO
BUREAU OF PUBLIC HEALTH

REGULATIONS
PROHIBITING
INSANITARY TOILETS
IN CERTAIN PLACES

ADOPTED BY THE STATE BOARD OF PUBLIC HEALTH

June 28, 1937

AUTHORIZING ACT
SECTION 3, CHAPTER 39, LAWS OF 1937

PENALTY FOR VIOLATION
SECTION 14, CHAPTER 39, LAWS OF 1937

REGULATIONS

Section 1. It shall be unlawful for any person, firm, corporation, municipality, society, church, school, proprietor of a lodging rooming or boarding house, or of a hotel, or for others, to maintain an insanitary privy, vault, toilet, cesspool, septic tank, or other provision for the receipt, collection or disposal of human filth or excrement, within five hundred (500) feet of any school building, house, dwelling, lodging house, or other place regularly or temporarily used for human habitation, provided, that this shall not apply to any private residence used by a single household, if said residence is located at least one-half mile from any other human habitation.

Section 2. For the purpose of this Regulation certain terms are defined as follows:

PRIVY—Any structure, house, shed or room containing any seat, trough, bowl or opening used or intended to be used for human defecation or urination, whether the same be placed over or adjacent to, or in any way connected with, any vault, cesspool or pit, or whether the excreta are deposited on the floor or ground. All privies shall be subject to the approval of the State Bureau of Public Health.

VAULT—Any excavation or opening in the ground or beneath the ground surface, used or intended to be used for receiving and containing human excrement, urine or fecal matter, provided, that this term shall not include the terms "cesspool" and "septic tank."

CESSPOOL—Any vault used in connection with a water-carriage plumbing system, the solid matters carried therein being retained in the cesspool and the liquids seeping or leaching away through the surrounding soil.

SEPTIC TANK—Any vault used in connection with a water-carriage plumbing system, or beneath a privy, the solid matters therein being digested in the tank and the liquid effluent being treated in a manner approved by the State Bureau of Public Health.

INSANITARY PRIVY, TOILET OR VAULT—One in which human excrement is exposed to the approach of flies or other insects, or of animals; or one in which the contents may be scattered upon the open ground or carried into any well, cistern or stream, either by surface drainage or seepage.

INSANITARY CESSPOOL OR SEPTIC TANK—One in which the contents are exposed to the approach of flies or other insects or of animals; or one which permits the contents to overflow upon the open ground or to be carried into any well, cistern or stream, provided, that this shall not apply to the proper disposal of the effluent from a septic tank, when the same has been approved by the State Bureau of Public Health.

STREAM—Shall include ditches used for irrigation purposes.

Section 3. A privy, vault, cesspool, toilet, septic tank, or other system of excreta disposal, to be acceptable within the intent of this Regulation, shall be so constructed that the contents shall, at all times, be protected from the approach of flies or other insects, or of animals, and shall prevent the scattering or overflowing of the contents upon the open ground or their carriage into any well, cistern or stream, either by surface drainage or seepage.

Section 4. (a) Whenever any insanitary privy, vault, toilet, cesspool or septic tank, or other system of human excreta disposal, shall be found to ex-

ist within the limits prescribed in Section 1 hereof, the County Health Officer having jurisdiction shall immediately serve an order for abatement upon the owner, occupant, person, firm, corporation or other, who is responsible for the maintenance or existence of the same. Said order for abatement shall, (1) describe the location of the insanitary facilities, so that the same may be identified; (2) command the party to whom the order is addressed to correct the insanitary condition within thirty (30) days from receipt of order, and (3) shall state the procedure necessary to remedy the insanitary condition. Said notice shall be served by the County Health Officer in person, by his authorized agent, or by registered mail, with return receipt demanded.

(b) If, upon the expiration of the thirty day period allowed by said order, the insanitary condition has not been corrected, the County Health Officer shall immediately file complaint against said party before the Justice of the Peace, or the District Court, having jurisdiction.

(c) Each day upon which the insanitary condition remains uncorrected, after the expiration of the thirty day period allowed in the said order of abatement, shall constitute a separate violation of this Regulation, upon the filing of a proper complaint by the County Health Officer having jurisdiction.

Section 5. Nothing in this Regulation shall be construed to conflict with the Statutes of this State providing for the abatement of nuisances, nor with the Regulations of the State Board of Health Governing Water Supplies and Sewage Disposal, nor with any city, town or village ordinance governing the disposal of sewage, provided, however, that this Regulation shall be considered as supplementing said Statutes, Regulations and ordinances.

The advice of the Sanitary Engineer of the State Bureau of Public Health, Santa Fe, can be had without charge, at any time, upon application to the Bureau.

There are available for distribution the following sanitary Regulations: Governing the Sanitation of Public Camp Grounds, The Sanitation of Construction Camps, The Sanitation of Swimming Pools, The Operation of Sewage Disposal Plants, Water Supplies and Sewage Disposal, Sanitation of Public School Buildings. Plans for sanitary privies and for septic tanks can be had free of charge.

Regulations are also available upon other matters affecting the public health.

STATE BUREAU OF PUBLIC HEALTH,

Santa Fe, N. M.

New Mexico Environmental Improvement Agency
Crown Building, Post Office Box 2348
Santa Fe, New Mexico 87503

EIP
EXHIBIT
NO. 12

June 28, 1937

SEWAGE DISPOSAL REGULATION

(This regulation is enforced by the Environmental Improvement Agency by virtue of the authority given by the Environmental Improvement Act.)

Section 1. No person, firm or corporation, public utility, city, town, village or other public body or institution, shall discharge, drain, deposit, cause or suffer to be discharged, drained or deposited, any sewage, garbage, offal, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious or dangerous to health, into any springs, streams, rivers, lakes, tributaries thereof, acequias, ditches, wells or other waters used or intended to be used for human consumption or for domestic purposes; or maintain a sewer farm or erect, construct, excavate, excavate, or maintain, or cause to be erected, constructed, excavated or maintained, any privy, vault, cesspool, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment and discharge of sewage effluents or impure water, gas, oils, acids, tar, or any matter or substance offensive, injurious or dangerous to health, whereby the same shall overflow lands or shall discharge, flow, seep, drain, condense into or otherwise pollute or affect any waters intended for human consumption or for domestic purposes; or add to, modify or alter any of the plant, works or system thereof or the manner or place of discharge or disposal; or erect or maintain any permanent or temporary house, camp, or tent, so near to such springs, streams, rivers, lakes, or tributaries thereof, acequias, ditches or other sources of water supply, as to cause or suffer the drainage, seepage, or flow of impure waters or of any sewage, or the discharge or deposit therefrom of any injurious or dangerous animal, mineral or vegetable matter, to pollute such waters, without a permit from the State Commissioner of Health as herein provided.

Section 2. Whenever any county, city, town, village, district, community, institution, person, firm or corporation shall desire to deposit or discharge or continue to deposit or discharge into any stream, river, acequia, ditch, lake or tributary thereof, or into any other waters used or intended to be used for human consumption or for domestic purposes, or into or upon any place the surface or subterranean drainage from which may run or percolate into any such stream, river, lake, tributary, or other waters, in sewage, sewage effluent, or other substance by the terms of Section 1 of the regulation forbidden so to be deposited or discharged; or shall desire to maintain a sewer farm, or to permit the overflow of sewage onto any land whatever; or shall desire to erect, construct, excavate or maintain any privy, vault, cesspool, sewage treatment works, sewer pipe or conduits, or other pipes or conduits for the treatment or discharge of sewage, sewage effluent, or any matter offensive, injurious or dangerous to health; or shall desire to add to, modify or alter any of the plant, works, or system or manner or place of discharge or disposal, he or it shall file with the State Department of Health a petition for permission so to do, together with a complete and detailed plan, description and history of the existing or proposed works, system or treatment plant, or of such proposed addition to, modification or alteration of any plant, works, system or manner or place of discharge or disposal, such plans and general statement to be in such form and to cover such matters as the State Commissioner of Health shall prescribe. Thereupon, a thorough investigation of the proposed or existing works, system or plant, and all circumstances and conditions by him deemed to be material, shall be made by the State Commissioner of health.

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As a part of such investigation, and after ten days notice by mail to the petitioner, a hearing may be had before the State Commissioner of Health or an examiner appointed by him for the purpose. At such hearing or hearings witnesses who testify may be sworn by the person conducting the hearing, and evidence, oral and documentary may be required, a record of which shall be made and filed with said Commissioner or examiner. Upon the completion of such investigation said Commissioner;

A. If he shall determine, as a fact, that the substance being or to be discharged or deposited is such that under all the circumstances and conditions it may so contaminate or pollute such stream, river, lake, or tributary thereof, acequias, ditches or other waters, or lands on which it may be discharged, deposited or caused to overflow, as to endanger the lives or health of human beings, or to constitute a nuisance, or does or may constitute a menace to public health or a nuisance, or that under all the circumstances and conditions it is not necessary so to dispose of such substance, the State Commissioner of Health shall deny the prayer of such petitions; and he may order petitioner to make such changes as he shall deem proper for the purpose of these regulations. The State Commissioner of Health may order such repair, alteration or addition to the existing systems, plant, and works, that the sewage or substance being or intended to be discharged or disposed of shall not contaminate or pollute streams or other water supplies, or endanger the lives or health of human beings, or constitute a nuisance; and said Commissioner may order such changes of method, manner and place of disposal and the installation of such treatment works that streams or other water supplies will not be polluted or contaminated and the works and disposal shall not constitute a menace to the health of human beings, or a nuisance, which orders shall designate the period within which the required changes are to be made; PROVIDED HOWEVER, that a temporary permit may be issued by the State Commissioner of Health for said period to permit compliance with such order or orders;

B. If he shall determine, as a fact, that the substance being or to be discharged or deposited, is not such that under all the circumstances and conditions it will so contaminate or pollute such stream, river, lake or tributary thereof, or other waters, as to endanger the lives or health of human beings, or to constitute a nuisance, and that under all the circumstances and conditions it is necessary so to dispose of such substance, the State Commissioner of Health shall grant to petitioner a permit authorizing petitioner so to deposit or discharge or to continue to deposit or discharge such substance; PROVIDED HOWEVER, that such permit shall not be construed to permit any act forbidden by an provision of the laws of this State relative to the preservation or propagation of fish or game, or relative to the deposit of debris in the streams of the State; AND PROVIDED FURTHER, that all permits issued hereunder shall be revocable by said Commissioner at any time or subject to suspension, if said Commissioner shall determine, as a fact, that the substance discharged or deposited by virtue thereof causes or may cause, a contamination or pollution of waters or land that does or may endanger the lives or health of human beings, or does or may constitute a nuisance.

Section 3. Whenever any petitioner shall be granted any permit by the State Commissioner of Health under the provisions of these regulations, such petitioner shall furnish to said Commissioner, upon demand, a complete report upon the condition and operation of the system, plant or works, which report shall be made by a competent person at the sole cost and expense of the holder of the permit.