

STATE OF NEW MEXICO

DEPARTMENT OF PUBLIC HEALTH

REGULATIONS

GOVERNING

WATER SUPPLIES AND
SEWAGE DISPOSAL

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

WATER SUPPLY REGULATIONS

Section 1. No person, firm, corporation, public utility, city, town, village or other public body or institution shall furnish or supply or continue to furnish or supply water used or intended to be used for human consumption or for domestic uses or purposes, which is impure, unwholesome, unpotable, polluted or dangerous to health, to any person in any county, city, village, district, community, hotel, temporary or permanent resort, institution or industrial camp.

Section 2. Whenever any person, firm, corporation, public utility, municipal or other public body or institution shall desire to furnish or supply or to continue to furnish or supply water for domestic use or purposes to any person in any county, city, community, hotel, temporary or permanent resort, institution or industrial camp, or shall desire to install, add to, modify or alter any of the plant, works, system or source of supply it, or he shall file with the State Department of Health, as herein provided, a petition for permission so to do, together with complete plans and specifications and a statement containing a general description and history of the existing or proposed water supply or system, or proposed changes therein, showing the geographical location thereof with relation to the source of the water supply, and all the sanitary conditions surrounding and affecting said supply and the works, system and plant; such plans, specifications 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, plant, water supply and all other circumstances and conditions by him deemed to be material shall be made by the State Commissioner of Health; PROVIDED, HOWEVER, that no person, firm, or corporation supplying water for domestic purposes or use on his or its private property upon which there is no industrial camp, hotel, or permanent resort using said water, or supplying less than fifty service connections, shall be required to apply for a permit under the provisions of this section except upon formal complaint filed with the State Department of Health.

As a part of such investigation, and after ten days' notice by mail to the petitioner, a hearing or hearings 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 or documentary, may be received, 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 water being furnished or supplied, or to be furnished or supplied, is such that under all the circumstances and conditions it is impure, unwholesome or unpotable, or may constitute a menace or danger to the health or lives of human beings, or that under all the circumstances and conditions the existing or proposed modifications therein are unhealthful or insanitary, or not suited to the production and delivery of healthful, pure and wholesome water at all times, the State Commissioner of Health shall deny the prayer of such petitioner, and said Commissioner may order the petitioner to make such changes as he deems necessary to secure a continuous supply of pure, wholesome, potable and healthful water, and may order such changes of source of water supply, or the installation of purification works and such other measures as shall insure a continuous supply of pure, wholesome and potable water which shall not endanger the lives and health of human beings, 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 the petitioner to comply with such order or orders;

(b) If he shall determine, as a fact, that the water being furnished or supplied, or to be furnished or supplied, to human beings is such that under all the circumstances and conditions it is pure, wholesome and pot-

able and will not endanger the lives or health of human beings, the State Commissioner of Health shall grant to petitioner a permit authorizing petitioner to furnish or continue to furnish or supply such water to such human beings; PROVIDED, HOWEVER, that all permits issued hereunder shall be revocable or subject to suspension at any time that he shall determine, as a fact, that the water being supplied or furnished is or may become impure, unwholesome or unpotable. The holder of any permit granted by said Commissioner under the provisions of these regulations may at any time, by order of the said Commissioner, be required to furnish upon demand, a complete report upon the condition and operation of the water supply plant, works or system owned, operated or controlled by him, which report shall be made by a competent person at the sole cost and expense of the holder of the permit.

SEWAGE DISPOSAL REGULATIONS

Section 1. No person, firm or corporation, public utility, city, town, village or other public body or institution, shall discharge drain or deposit, or 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, 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, any sewage, sewage effluent, or other substance by the terms of Section One of the regulations 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 effluents, 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 pro-

posed 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. As a part of such investigation, and after ten days' notice by mail to the petitioner, a hearing or hearings 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 petition; 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 system, 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 any 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.