

1 **Conditionally Exempt Small Quantity Generator (CESQG):** A generator that
2 produces no more than 220 pounds of hazardous waste, or no more than 2.2 pounds of acutely
3 hazardous waste, in a calendar month.

4 **Construction and Demolition (C&D) Waste:** Waste generated from the construction or
5 demolition of a structure. C&D waste can consist of, but is not limited to, steel, brick, concrete,
6 asphalt, roofing materials, pipe, gypsum board, wallboard, lumber, glass, paper, cartons, rubber,
7 and plastics. C&D waste does not include regulated asbestos, garbage, hazardous materials,
8 liquids, paints, solvents, adhesives, or sealers.

9 **Contaminated Load:** Any load of recyclables which contains materials other than those
10 specified in an amount exceeding 10% by volume in a visual inspection.

11 **Conventional Recyclables:** Those materials defined as acceptable for recycling and
12 posted at the facilities. Recyclables include, but are not limited to, old newspaper (ONP), old
13 corrugated cardboard (OCC), magazines, junk mail, office paper, aluminum cans (UBC),
14 aluminum foil, steel cans, #1 PET plastic bottles, #2 HDPE plastic bottles and glass bottles and
15 jars prepared in accordance with SFSWMA's published requirements.

16 **Dead Animals:** Large animals typical of all breeds of livestock: cows, pigs, and horses;
17 and small animals such as domestic cats and dogs. Dead animals include wildlife resulted from
18 road kills but not from infectious diseases.

19 **Electronic Scrap (E-Scrap):** Category of surplus, obsolete, broken or discarded
20 electronic devices including, but not limited to, computers, monitors, keyboards, mice, scanners,
21 various computer peripherals, security equipment, fax and copy machines, cell phones and
22 telephone equipment.

23 **Executive Director:** The Executive Director of the SFSWMA, as designated by the JPB.

24 **Facilities:** All facilities operated by the SFSWMA including the following;

25 **Landfill Facility:** Caja del Rio Landfill located at 149 Wildlife Way, Santa Fe,

1 NM 87506.

2 **Recycling & Transfer Facility:** Buckman Road Recycling and Transfer Station
3 located at 2600 Buckman Road, Santa Fe, NM 87507.

4 **Freon Bearing Device:** Any device which contains and uses five (5) pounds or less of a
5 Class I (CFC) or Class II (HCFC) substance as a refrigerant and which is used for household or
6 commercial purposes, including any air conditioner, refrigerator, chiller or freezer.

7 **Generator:** Any person that produces solid waste by site or location to be shipped to any
8 other site or location, or whose act or process produces a solid waste to first cause to become
9 regulated.

10 **Glass Aggregate:** Glass bottles and jars which have been pulverized to produce two
11 separate grades of aggregate <1/8 inch nominal size and <3/8 inch nominal size.

12 **Green Waste:** Vegetative organic matter resulting from landscaping, land maintenance
13 and agricultural operations. Green waste includes, but is not limited to, cuttings and trimmings
14 from trees, shrubs, or lawns and similar materials. Green waste does not include rock, dirt, metal,
15 plastic, paper or any type of construction and demolition materials.

16 **Gross Vehicle Weight (GVW):** The total weight of the vehicle, any trailer, its occupants
17 and contents.

18 **Household Hazardous Waste (HHW):** Leftover household products such as paints,
19 cleaners, oils, batteries, and pesticides that contain potentially hazardous ingredients which
20 require special handling when disposed of.

21 **Immediate Burial:** All materials including dead animals requiring immediate and secure
22 disposal.

23 **Joint Powers Agreement (JPA):** The agreement between the City of Santa Fe and Santa
24 Fe County which created the SFSWMA and conveys certain authorities and responsibilities to the
25 SFSWMA related to the construction, operation, maintenance, replacement, expansion and

1 closure of a solid waste facility.

2 **Joint Powers Board (JPB):** The JPB which is the governing body of the SFSWMA and
3 which is designated in accordance with the Joint Powers Agreement.

4 **Mercury-Containing Lamp:** Any bulb or tube portion of the lighting device that
5 contains a small amount of elemental mercury.

6 **Manure:** Agriculture waste composed of animal waste and animal bedding materials
7 that originated from sites approved by the SFSWMA and contains no contamination such as
8 veterinary waste.

9 **Mulch:** Ground green waste of which 100% of material passes a two (2) inch screen and
10 has been cured a minimum of ninety (90) days.

11 **Non-Freon Bearing Appliance:** Household appliances which are not designed to utilize
12 Freon, including, but not limited to, stoves/ranges, hot water heaters, dishwashers and laundry
13 machines which are a minimum of 60% metal by weight.

14 **Owner:** Owner, business owner or corporate owner responsible for waste and/or
15 recycling being delivered to the facilities for disposal or recovery. The owner, business owner, or
16 corporate owner will be responsible for certifying that all waste and recyclables meet New
17 Mexico Environment Department, Federal, City and County rules, regulations and ordinances.
18 The owner, business owner, or corporate owner will be responsible for all waste and recycling
19 disposal and processing costs.

20 **Oversized Mulch:** Ground green waste of which 100% of material does not pass a 2”
21 screen.

22 **Passenger Tires:** Scrap tires whose rim size is 20 inches or smaller. Passenger tires
23 include tires from Motorcycles and ATV’s.

24 **Permits:** The permits issued by the New Mexico Environment Department which
25 authorize and direct the respective facility’s operations.

1 **Petroleum Contaminated Soils:** The owner/generator of petroleum contaminated soil
2 shall assure that all petroleum contaminated soils is tested under the requirements of 20.9.8.11
3 and 20.9.8.15 NMAC including total petroleum hydrocarbons (TPH) and other contaminants as
4 required by facility's disposal management plan.

5 **Salvaging:** The controlled removal of materials for utilization, recycling, or sale.

6 **Santa Fe Solid Waste Management Agency (SFSWMA):** A joint powers agency
7 created by the JPA and governed by the JPB.

8 **Scavenging:** The uncontrolled and unauthorized removal of materials from any point at
9 the solid waste facilities.

10 **Schedule of Fees:** The schedule of fees, rates and charges assessed to persons making
11 use of the facilities.

12 **Scrap Metal:** Appliances and other objects which consist of a minimum of 60% metal by
13 weight. Scrap metal includes, but is not limited to, household appliances, some building materials
14 and auto parts.

15 **Scrap Tire:** A tire that is no longer suitable for its originally intended purpose because of
16 wear, damage or defect.

17 **Sludge:** Any solid, semi-solid, or liquid waste generated by a municipal, commercial or
18 industrial waste water treatment plant, water supply treatment plant, or air pollution control
19 facility. Sludge does not include treated effluent from a waste water treatment plant. The
20 owner/generator shall assure that the sludge is tested under the requirements of 20.9.8.11 and
21 20.9.8. 16 NMAC and as required by facility's disposal management plan.

22 **Solid Waste:** All putrescible and non-putrescible materials generated or originating from
23 residential, commercial, industrial, mining, or community activities or from agricultural
24 operations that are discarded or rejected, whether (i) as being spent, useless, worthless or in
25 excess to the owners at the time of such discard or rejection, (ii) as having served their intended

1 use, or (iii) for any other reason. Solid waste does not include materials accepted for recycling or
2 reuse or materials specifically prohibited by Section 7 of this ordinance.

3 **Uncovered / Unsecured Load:** Any load from which litter and debris can blow out of or
4 fall from the vehicle.

5 **Section 4. GENERAL PROVISIONS.**

6 A. **Establishment of Enterprise Fund.** For the purpose of defraying all expenses of
7 receiving, disposing or recycling of solid wastes and recyclables a regional solid
8 waste agency enterprise fund has been created. The SFSWMA shall establish fees,
9 rates and charges designed to recover the full cost of services for the various services
10 provided. All revenues received from fees, rates and charges shall be credited to the
11 fund. The fund shall pay all direct and indirect operating expenses as well as
12 principal and interest payments and all other costs of bond indebtedness.

13 B. **Authority to Accept Waste and Recyclables:** The SFSWMA shall at all times have
14 the sole and exclusive right to determine whether it shall receive, retain, reject,
15 dispose of or recycle any solid waste or recyclable.

16 **Section 5. ESTABLISHMENT OF FEE CATEGORIES.**

17 A. **Schedule of Fees.** The rates, fees and charges assessed to persons making use of the
18 facilities shall be in accordance with the Schedule of Fees and with the service
19 classes described herein. The Schedule of Fees is hereby adopted by reference and
20 incorporated hereto as Exhibit "A" and made effective upon adoption of this
21 ordinance. In accordance with the Gross Receipts and Compensating Tax Act,
22 Section 7-9-4.3, NMSA 1978, a governmental gross receipts tax of up to 5% shall be
23 imposed on each billing rendered in accordance with this ordinance.

24 B. **Service Classes.**

25 1. **Landfill Service.** Mixed or separated solid waste intended for disposal at the

1 Caja del Rio Landfill Facility. Landfill service is generally restricted to those
2 vehicles which exceed 12,500 pounds GVW. The fee is established on the basis
3 of weight as determined by the Landfill Facility and charged to the nearest
4 twenty (20) pounds.

5 2. **Transfer Service.** Mixed or separated solid waste delivered to the Buckman
6 Road Recycling & Transfer Station Facility and intended for transfer to the Caja
7 del Rio Landfill Facility. Transfer service is generally restricted to vehicles
8 which do not exceed 12,500 pounds GVW. The fee is established on the basis of
9 weight as determined by the Recycling & Transfer Facility and charged to the
10 nearest twenty (20) pounds.

11 3. **Recycling Service.** Mixed or separated conventional recyclables, green waste,
12 scrap tires or scrap metal intended for recycling and delivered to the Buckman
13 Road Recycling & Transfer Station Facility. Recycling service shall not be
14 restricted by GVW. The fee is established on the basis of weight as determined
15 by the Buckman Road Recycling & Transfer Station Facility and charged to the
16 nearest twenty (20) pounds.

17 4. **Contract Service.** Solid waste or recyclables delivered to the facilities in a
18 quantity or condition which merit special consideration through a contractual fee
19 agreement. Contract service shall also apply to any materials produced for resale
20 by the SFSWMA. All contractual fee agreements shall meet the requirements of
21 relevant local and state procurement laws and regulations, and, where applicable,
22 the requirements of SFSWMA Policy No. 2007.1, Purchasing Procedures and
23 Finance Policy.

24 5. **Material Sales.** The sale of materials produced by the SFSWMA and priced in
25 accordance with this Ordinance or prevailing market price or sold to the highest

1 qualified bidder.

2 **Section 6. BILLING AND COLLECTION**

- 3 A. The Executive Director shall establish procedures for the rendering of bills and
4 receipt of payment including service contracts, security deposits and other guarantees
5 of payment.
- 6 B. Fees are due within thirty (30) days following each monthly billing or as the
7 Executive Director shall authorize. Any billed amount not paid by the date due shall
8 become delinquent on that date.
- 9 C. A penalty of one and one half percent (1.5%) per month may be charged on all
10 amounts which are delinquent.
- 11 D. The Executive Director may pursue all available means of collection of delinquent
12 amounts including termination of use of the facility.
- 13 E. Filing a complaint regarding fees, rates and charges does not relieve a customer from
14 making payments in a timely fashion. If it is determined that a customer was over
15 charged, the customer will be entitled to an appropriate.

16 **Section 7. PROHIBITED MATERIALS.**

- 17 A. The SFSWMA will not accept the following materials at any facility;
- 18 1. Bulk or non-containerized liquids as defined by 20.9.2.10 NMAC
 - 19 2. Compressed gas cylinders and tanks
 - 20 3. Explosives and ammunition
 - 21 4. Hazardous waste
 - 22 5. Infectious waste
 - 23 6. Lead acid batteries
 - 24 7. Medicine and prescription drugs under the Controlled Substances Act
 - 25 8. PCB's and any material regulated by the Federal Toxic Substances Control Act

1 9. Radioactive waste

2 10. Solid waste as determined by the SFSWMA to pose a potential risk or hazard to
3 the environment may be required to be tested to ascertain the nature of its
4 constituents in determining the appropriate handling and disposal method.
5 Testing may also be used to verify the SFSWMA's authority to accept certain
6 solid waste. All testing will be the responsibility of the owner/generator.

7 11. Special wastes include:

8 (a) treated formerly characteristic hazardous waste

9 (b) packing house and killing plant offal

10 (c) regulated asbestos waste

11 (d) ash

12 (e) infectious waste

13 (f) sludge

14 (g) industrial solid waste

15 (h) spill of a chemical substance or commercial product which requires special
16 handling, dry chemicals, which, when wetted, become characteristically
17 hazardous, wastes which meet RCRA Hazardous Waste Identification Rule
18 levels or land disposal restriction cap levels under RCRA Subtitle C.

19 B. Other materials that are accepted at each facility are defined in Exhibit "B", Accepted
20 Materials Table, which is hereby adopted by reference and made effective upon
21 adoption of this ordinance.

22 **Section 8. HOURS OF OPERATION.** The Executive Director shall establish
23 hours of operation for each facility and said hours shall be ratified and approved by the JPB. The
24 hours of operation are hereby adopted by reference and incorporated hereto as Exhibit "C" and
25 made effective upon adoption of this ordinance.

1 **EXHIBIT "A"**

2 **SCHEDULE OF FEES**

3 **Landfill Service**

4 Commercial Vehicles

5 Vehicles 12,500-18,000 lbs GVW \$ 42.50 / Ton

6 Vehicles greater than 18,000 lbs GVW \$ 32.50 / Ton

7 Immediate Burial \$ 75.00 / Ton

8 Petroleum Contaminated Soil (>1,000 ppm TPH) \$ 52.50 / Ton

9 Uncovered Load Surcharge \$ 25.00 / Load

10 Minimum Load Charge \$ 5.00 / Load

11 Use of Scale for Weighing Only \$ 15.00 / Weigh

12 **Transfer Service**

13 Vehicles less than 4,000 lbs GVW \$ 5.00 / Load

14 Vehicles 4,000-6,000 lbs GVW \$ 10.00 / Load

15 Vehicles greater than 6,000 lbs GVW \$ 42.50 / Ton

16 Vehicles with Trailers \$ 42.50 / Ton

17 Uncovered Load Surcharge \$ 15.00 / Load

18 Minimum Load Charge \$ 5.00 / Load

19 Use of Scale for Weighing Only \$ 15.00 / Weigh

20 **Recycling Service**

21 Conventional Recycling \$ 15.00 / Ton

22 (Vehicles in excess of 10,000 lbs GVW)

23 Drop-Off Recycling No Charge

24 (Vehicles less than 10,000 lbs GVW)

25 Green Waste \$ 20.00 / Ton

1	Contaminated Green Waste	\$ 50.00 / Ton
2	Scrap Tires	\$160.00 / Ton
3	Passenger Tires	\$ 2.00 / Tire
4	Commercial Truck Tires	\$ 6.00 / Tire
5	Scrap Metal	\$ 15.00 / Ton
6	Freon Bearing Appliance (contains CFC's)	\$ 10.00 / Unit
7	Non-Freon Bearing Appliance (White Goods)	\$ 5.00 / Unit
8	Unsecured Load Surcharge	\$ 15.00 / Load
9	Minimum Load Charge	\$ 5.00 / Load
10	Material Sales	
11	Composted Mulch	\$ 7.50 / yd ³
12	Screened Compost	\$10.00 / yd ³
13	Mulch	\$ 3.00 / yd ³
14	Oversized Mulch	\$0.50 / yd ³
15	Compost and Mulch Available to the Public (less than 1 yd ³)	No Charge
16	Glass Aggregate	\$ 5.00 / Ton
17	Glass Aggregate Available to the Public (less than 1 yd ³)	No Charge
18	Tire Bale	\$ 5.00 / Unit
19	Processed Conventional Recycling	Highest Bid Price
20	Processed Electronic Scrap	Highest Bid Price
21	Recovered Scrap Metal	Highest Bid Price
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EXHIBIT "B"

ACCEPTED MATERIAL TABLE

Material Type	Caja del Rio Landfill	Buckman Road Recycling & Transfer Station
Vehicles greater than 12,500 lbs GVW	Yes	No
Vehicles with Self-Dumping Trailers	Yes	No
Dead Animals	Yes	No
Large / Bulky Items Exceeding Limits for Transfer Service	Yes	No
Petroleum Contaminated Soils	Yes	No
Sludge	Yes	No
Vehicles less than 12,500 lbs GVW	No	Yes
Vehicles with Trailers Requiring Manual Unloading	No	Yes
Conventional Recycling	No	Yes
Green Waste	No	Yes
Manure	No	Yes
Scrap Metal	No	Yes
Scrap Tires	No	Yes
Electronic Scrap	No	Yes

Material Type	Caja del Rio Landfill	Buckman Road Recycling & Transfer Station
Mercury-Containing Lamp	No	Yes
Freon Bearing Appliance	No	Yes
Non-Freon Bearing Appliance	No	Yes

1 **EXHIBIT "C"**

2 **HOURS OF OPERATION**

3 **Caja del Rio Landfill**

4 Monday - Saturday 7:00 am – 5:00 pm*

5 Closed Sundays and Posted Holidays

6 *Commercial Account Holders Only Between 4:00 pm and 5:00 pm

7

8 **Buckman Road Recycling and Transfer Station**

9 Sunday – Saturday 8:00 am – 5:00 pm*

10 Closed Posted Holidays

11 *No loads accepted after 4:45 pm. Must be unloaded and out by closing.

12

13 **Posted Holidays**

14 New Year's Day

15 Memorial Day

16 Independence Day

17 Labor Day

18 Thanksgiving Day

19 Christmas Day

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