

**COUNCIL BILL NO.** 09-026  
**ORDINANCE NO.** 2489

**AN ORDINANCE ENACTING AN INTERCEPTOR AND GREASE TRAP ORDINANCE TO BE CODIFIED AS LCMC SECTION 28-220 ET SEQ.**

The City Council is informed that:

**WHEREAS**, authorization and specification of controls on oil-water interceptors, sand traps, and grease traps (collectively called interceptors) have been limited to three paragraphs in Section 28-190 of the existing Industrial Liquid Waste Disposal Ordinance.

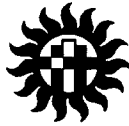
**WHEREAS**, Section 28-190 was adopted by amendment in 1998 to add a section pertaining to interceptors, and the present Interceptor Program has been informed by its implementation experience during the last 10 years.

**WHEREAS**, an effective Interceptor Program is a necessary component to protect the City's sanitary sewer system from blockages which can cause overflows and back-ups which may threaten public health and damage private property.

**WHEREAS**, the existing Section 28-190 is insufficient in scope and detail to meet the implementation needs of the present Interceptor Program; the proposed ordinance will provide greater specification of interceptor requirements and alternatives available to users.

**WHEREAS**, the proposed ordinance was submitted to EPA Region 6 in May 2007, and following their review, they have deemed the proposed ordinance to be approvable; EPA has directed us to proceed with public participation and adoption by our governing bodies.

**Exhibit A**



**City of Las Cruces, New Mexico  
Interceptor and Grease Trap Ordinance**

Proposed November 2008

## INTERCEPTOR AND GREASE TRAP ORDINANCE

### Section I. Purpose

The purpose of the Interceptor Ordinance is to protect the Publicly Owned Treatment Works (POTW) owned City of Las Cruces, and operated by Las Cruces Utilities, from blockages or other interferences which obstruct or reduce the designed flow of waste water in the collection system (sanitary sewer) from the user to the waste water treatment facility. Resultant sewer system overflows pose a threat to public health and safety. Further, odors from improperly maintained interceptors or grease traps may be objectionable and pose a public nuisance.

### Section II. Applicability and Prohibitions

A. This ordinance shall apply to all non-domestic users of the POTW as defined in Section III of this ordinance.

B. Grease traps or interceptors shall not be required for residential users.

C. Facilities generating fats, oils, or greases shall install, use, and properly maintain appropriate Interceptors when needed to prevent discharge in excessive amounts as described in paragraph D of this Section. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption. Interceptor requirements also apply to facilities whose liquid waste discharge contains, or may contain, motor oil, sand, metal fragments, and other pollutants that originate from activities such as manufacturing, vehicle or equipment repair, maintenance, or washing.

D. No user may intentionally or unintentionally allow the direct or indirect discharge of any sand, petroleum oil, non-biodegradable cutting oil, or any fats, oils, or greases of animal, plant, or petroleum origin into the POTW system in such amounts as to cause Interference with the sanitary sewer collection and treatment system, or to cause pollutants to pass through the treatment works into the environment.

### Section III. Definitions

A. **Fats, Oils, and Greases (FOG).** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as amended. All are also referred to herein as "grease" or "greases."

B. **Discharge or Indirect Discharge.** The introduction of liquids or suspended solids into a POTW from any source.

**C. Generator.** Any person who owns or operates an interceptor, or whose act or process produces an interceptor waste.

**D. Grease trap.** A type of interceptor with a rated flow of 50 gal/min or less that is located within a building (generally in the kitchen), and serves one to four fixtures. Grease traps often have internal removable diffusing baffles.

**E. Interceptor.** A device designed to use differences in specific gravities to separate and retain light-density liquids, waterborne fats, oils, greases, and high-density particles such as sand and suspended solids prior to the waste water entering the sanitary sewer collection system. An interceptor must be properly located outside of the building and protected from storm water drainage, and must be constructed, installed, and sized in accordance with the most current edition of the Uniform Plumbing Code accepted by the State of New Mexico. UPC defines an interceptor as "having two compartments, the inlet compartment of which comprises two-thirds of the total capacity, and has a minimum liquid volume of three hundred thirty three (333) gallons."

**F. Interceptor Waste.** Material collected in and from the interceptor in the sewer service line of a user, and includes solids resulting from de-watering, flotation, or settling processes.

**G. Interference.** A discharge which alone, or in conjunction with a discharge(s) from other source(s), that inhibits or disrupts POTW flows, operations, or treatment processes; its sludge treatment processes, beneficial use, or disposal; or otherwise causes a violation of the City's NPDES permit.

**H. pH.** The measure of the relative acidity or alkalinity of water, and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

**I. Publicly Owned Treatment Works (POTW).** The sanitary sewer collection system and treatment works which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes all devices and systems used in the collection, storage, treatment, reclamation and recycling of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey waste water to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

**J. Sewer Service Line.** The pipe that extends from the POTW collection system to the user's application, building, or facility, and typically is located on the user's private property.

**K. Transporter or Hauler.** A person who removes and hauls interceptor waste. Transporters must use approved waste disposal sites permitted by the U.S. Environmental Protection Agency, State of New Mexico Environmental Department, Dona Ana County, or approved by the Utilities Director.

L. **UPC.** The most current edition of the Uniform Plumbing Code accepted by the State of New Mexico.

M. **User.** Any person, including those located outside the jurisdictional limits of the City, who contributes, causes, or permits the discharge of liquid waste into the POTW, including persons who contribute such liquid waste from mobile sources.

#### **Section IV. Installation and Maintenance Requirements**

The Las Cruces Utilities Pollution Prevention Office (PPO) administers the City's Interceptor Program under the authority of the Utilities Director, and provisions of the Interceptor and Liquid Waste Ordinances.

##### **A. Installations**

1. **Existing Facilities.** Existing grease traps and interceptors must be operated and maintained in accordance to a cleaning interval established by the PPO. Inspections of interceptors will be conducted periodically to determine that the User is compliant with this ordinance, and that the internal plumbing of the interceptor is present and in good condition.

2. **New Facilities.** Generators which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain an interceptor in accordance with locally adopted plumbing codes, UPC, and other applicable ordinances. Interceptors must be installed and inspected prior to issuance of the certificate of occupancy. It is only after completion of construction and issuance of the certificate of occupancy that PPO becomes responsible for implementation of this ordinance.

3. **Grease traps.** The PPO does not specify use and sizing, approve plans, or inspect installation of grease traps for new construction or renovations. Existing grease traps subsist (are grandfathered) only if it is determined by the PPO that the device maintains compliance with requirements of this ordinance.

4. **All grease trap or interceptor waste shall be properly disposed at a facility in accordance with federal, state, and local regulations.**

##### **B. Cleaning and Maintenance**

1. Grease traps and interceptors shall be maintained in an efficient operating condition at all times.

2. Each interceptor pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for

additional transportation capacity so that the trap is fully evacuated within a 24-hour period.

3. Grease traps and interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap or interceptor, and to ensure no visible grease is observed at in the discharge to the sanitary sewer.

4. Grease traps and interceptors shall be completely evacuated a minimum of every ninety (90) days, or more frequently as determined by the PPO, and when:

(a) Twenty-five (25) percent or more of the wetted height of the grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

(b) Sulfide levels in the trap/interceptor are excessively sufficient to cause odor complaints and visible deterioration to the trap/interceptor internal metal or concrete material is evident.

(c) The liquid contents are at pH 5.5 standard units or less.

(d) Video surveillance in the collection system of the POTW determines that excessive grease has accumulated at the user's service line connection or in access downstream from the user's point of discharge.

5. Any person who owns or operates a grease trap or interceptor may submit to the PPO a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap or interceptor. The PPO may grant an extension for required cleaning frequency on a case-by-case basis when:

(a) The generator has demonstrated the specific trap or interceptor will produce an effluent, based on defensible consistent compliance of item (4) parameters listed above;

(b) In any event, a grease trap or interceptor shall be fully evacuated, cleaned, and inspected at least once every 120 days.

6. In the event of a spill, splash, spray or leak or other unauthorized or accidental discharge of waste during the collection, transport or disposal, the User or Transporter shall take immediate action to contain and clean the discharged or spilled grease in order to protect human health, and the environment.

#### C. Self-Cleaning

Cleaning of grease traps or interceptors by the user is prohibited.

#### D. Manifest Requirements

1. Each pump-out of a grease trap or interceptor must be accompanied by a manifest to verify the maintenance and disposal for record keeping purposes.

2. Persons who generate, collect, and transport grease waste shall maintain a record of each individual collection and disposal. Such records shall be in the form of a manifest. The generator must maintain a file of manifests on site to be available on request during an inspection by PPO. The manifest shall include:

- (a) Name, address, telephone, and license/registration number of transporter;
- (b) Name, signature, address, and phone number of the person who generated the waste and the date collected;
- (c) Type and amount(s) of waste collected or transported;
- (d) Name and signature(s) of responsible person(s) in the pathway generating to finally disposing the waste (chain of custody);
- (e) Date and place where the waste was disposed;
- (f) Identification (permit or site registration number, location, and operator) of the facility where the waste was disposed;
- (g) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
- (h) The volume of the grease waste received; and
- (i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking the volume of grease transported.

3. Manifests shall be divided into five parts and records shall be maintained as follows:

- (a) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup (billing invoice).
- (b) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
- (c) One part of the manifest shall go to the receiving facility.
- (d) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
- (e) One part of the manifest shall be returned by the transporter to the person who generated the wastes within 15 days after the waste is received at the disposal or processing facility.
- (f) One part of the manifest shall go to the PPO.

4. Copies of manifests returned to the waste generator shall be retained for three (3) years and be readily available for inspection by the PPO.

#### E. Alternative Treatment

1. Use of grease trap and interceptor treatment products, including bacteria, designed to digest grease is strictly prohibited without prior written consent of the PPO. It is acknowledged that soap formulations used for general kitchen hygiene operations contain surfactants and degreasing agents. Normal use of dishwashing and cleaning products, and their incidental introduction to the grease trap or interceptor are exempted from these restrictions.

- (a) The introduction of any surfactant, solvent, or emulsifier into a grease trap or interceptor is prohibited. Surfactants, solvents, and emulsifiers are materials, which dissolve or suspend grease and enable it to pass from the trap into the collection system. Examples of such materials include, but are not limited to, enzymes, soap, diesel, kerosene, terpene, and organic solvents.
- (b) Bioremediation products may be used with written prior approval from the PPO only after the person has demonstrated to the satisfaction of the PPO that the product has met the following conditions:
  - (i) Laboratory testing which is appropriate for the specific type of grease trap or interceptor has shown, in that specific application, the product's efficacy to produce an effluent in compliance with this ordinance and not interfere with the proper function of the grease trap or interceptor.
  - (ii) The methods and results of testing shall be subject to technical review and approval by the PPO.
  - (iii) All costs shall be borne by the User whether or not the product is accepted for use.
  - (iv) Use of accepted grease trap or interceptor treatment products shall not relieve the user of minimum cleaning requirements set forth in this ordinance.

## **Section V. Inspection and sampling**

A. The PPO has the authority of inspection by delegation from the Utilities Director, and shall inspect the facilities of any User to ascertain compliance with the purpose and requirements of this Ordinance. Persons or occupants of premises where liquid waste is created or discharged shall allow the PPO, or its representative, ready access at all times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of its duties. The PPO shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and metering operations.

B. Where a user has security measures in force which would require proper identification and clearance before entry into such user's premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the PPO, or its representative, will be permitted to enter without delay for the purposes of performing their specific responsibilities.

C. Sampling Ports (manholes). The PPO may require any user, existing or new construction, to install a suitable sampling port in the service line to the application or building to facilitate observation, sampling, and measurement of wastes and flows. The sampling ports must be readily accessible to the PPO at all times.

## **Section VI. Schedule of Penalties**

A. If the PPO determines that a generator is responsible for a blockage of a collection system line, the user shall be subject to a civil penalty of \$100 for the first violation, \$200 for a second



violation, and \$500 for the third violation within a two-year period. Persistent violations shall result in an increase in penalty up to \$500/day and may also result in termination of services.

B. Users violating provisions of this Ordinance shall be subject to a written warning for the first violation, a \$100 civil penalty for the second violation, a \$200 civil penalty for the third violation, and a \$500 civil penalty for the fourth violation within a two-year period. Persistent violations will result in up to \$500/day increase in civil penalty, and may result in termination of service.

**NOW, THEREFORE,** be it ordained by the governing body of the City of Las Cruces:

(I)

**THAT,** the Las Cruces City Council hereby enact an Interceptor and Grease Trap Ordinance to be Codified as LCMC Section 28-220 et seq. as provided in Exhibit A.


**DONE AND APPROVED** this 1<sup>st</sup> day of December 2008.

APPROVED:

  
\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

  
\_\_\_\_\_  
City Clerk

Moved by: Connor

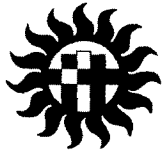
Seconded by: Jones

VOTE:

Mayor Miyagishima	<u>Aye</u>
Councillor Silva	<u>Aye</u>
Councillor Connor	<u>Aye</u>
Councillor Archuleta	<u>Aye</u>
Councillor Small	<u>Aye</u>
Councillor Jones	<u>Aye</u>
Councillor Thomas	<u>Aye</u>

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 11 Ordinance/Resolution# 2489 Council District:       

For Meeting of December 1, 2008

(Adoption Date)

**TITLE:** An Ordinance Enacting an Interceptor and Grease Trap Ordinance to be Codified as LCMC Section 28-220 et seq.

**PURPOSE(S) OF ACTION:** Adopt a new ordinance to regulate oil-water interceptors, sand traps, and grease traps.

<b>Name of Drafter:</b> Dan Santantonio		<b>Department:</b> Utilities / RES		<b>Phone:</b> 528-3548	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Originating Department	<i>[Signature]</i>		Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	2128	City Manager	<i>[Signature]</i>	2076

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Authorization and specification of controls on oil-water interceptors, sand traps, and grease traps (collectively called interceptors) have been limited to three paragraphs in Section 28-190 of the existing Industrial Liquid Waste Disposal Ordinance.

That ordinance was adopted in 1988, and amended in 1998 to add the section pertaining to interceptors. The new Ordinance (Exhibit A) is proposed because the existing section is insufficient in scope and detail based on operational experience and needs of the Pollution Prevention Program. An effective Interceptor Program is a necessary component to protect the City's sanitary sewer system from blockages which can cause overflows and back ups which may threaten public health and damage private property, as well as, interfere with transport and treatment processes.

The proposed Ordinance has been developed from one recommended by EPA at a recent Region 6 Pretreatment Workshop. In May 2007 the proposed Ordinance was submitted to ERA Region 6, Dallas, TX. Following their review and acceptance of our

(Continue on additional sheets as required)

subsequent revisions, it has been deemed to be approvable by EPA. They have directed us to proceed with public participation and adoption by our governing bodies. We must submit the adopted Ordinance as soon after December 1, 2008 as possible.

**SUPPORT INFORMATION:**

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

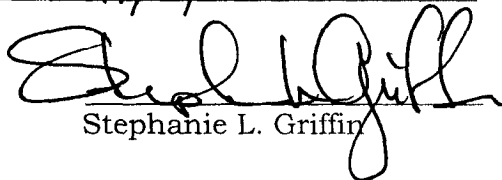
Adoption of the proposed Ordinance will provide greater specification of interceptor requirements and alternatives available to users. Failure to adopt the proposed Ordinance would make it necessary to add a satisfactory section(s) to the proposed revised Liquid Waste Disposal Ordinance. The existing controls are contained in the existing Industrial Liquid Waste Disposal Ordinance which is expected to be repealed.

# Legal Advertising Affidavit

Stephanie L. Griffin, who, being duly sworn as the Assistant to the Publisher of the Las Cruces BULLETIN, a weekly newspaper of general distribution published in the City of Las Cruces, County of Doña Ana, State of New Mexico, disposes and states that the legal advertising for

City of Las Cruces  
Notice of Intent to Adopt  
Ordinance No. 2488, 2489, 2490

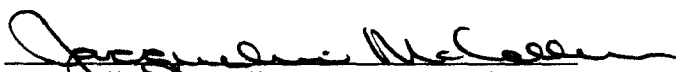
In accordance with the laws of the State of New Mexico, the attached was published in its entirety one time(s) in the Las Cruces BULLETIN, the first publication date being 11/7/08 and subsequent publications being 11/7/08.

  
Stephanie L. Griffin

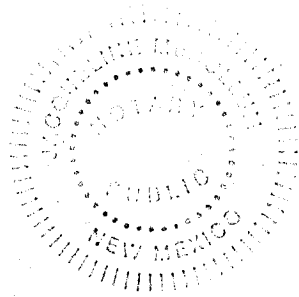
Sworn to and subscribed 7<sup>th</sup> day of November 2008 in the

CITY OF LAS CRUCES  
COUNTY OF DOÑA ANA  
STATE OF NEW MEXICO

My Commission expires: **August 11, 2011**

  
Jacqueline McCollum - Notary Public

\$58.81  
Advertising Costs



## NOTICE OF INTENT TO ADOPT

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Intent to Adopt The Following Ordinances at The Regular City Council Meeting to be Held on December 1, 2008:

1. Council Bill No. 09-025; ~~Ordinance No. 2488~~  
An Ordinance Repealing LCMC Section 28-186 through Section 28-265 Commonly Referred to as the Industrial Liquid Waste Disposal Ordinance, Repealing LCMC Section 28-266 through Section 28-300 Commonly Referred to as the West Mesa Industrial Liquid Waste Disposal Ordinance, and Enacting a New Liquid Waste Disposal Ordinance to be Codified as LCMC Section 28-186 et seq.

2. Council Bill No. 09-026; ~~Ordinance No. 2489~~  
An Ordinance Enacting an Interceptor and Grease Trap Ordinance to be Codified as LCMC Section 28-220 et seq.

3. Council Bill No. 09-027; ~~Ordinance No. 2490~~  
An Ordinance Authorizing the Issuance of the City of Las Cruces, New Mexico Taxable Variable Rate Demand Industrial Revenue Bonds (F&A Dairy Products, Inc. Project), Series 2008 in Two Series in an Aggregate Principal Amount Not to Exceed \$19,500,000 to Refund and Redeem the City's Prior Bonds and to Finance the Costs of Construction, Acquisition and Installation of Certain Equipment and Related Real Estate Improvements for the Manufacture of Cheese to Be Located in the City; Authorizing the Execution and Delivery of Certain Documents in Connection with the Bonds; Providing the Terms, Sale Price and Other Matters Relating to the Bonds; and Providing for the Payment of the Bonds Solely from Certain Revenues and Other Funds and Assets of F&A Dairy Products, Inc. and with Respect to the Series 2008A Bonds, from a Letter of Credit Issued by Wells Fargo Bank, National Association for the Account of F&A Dairy Products, Inc.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 4th day of November 2008.

Esther Martinez, CMC  
City Clerk

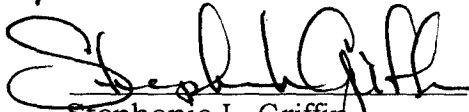
Pub #8297  
Dates 11/7, 2008

# Legal Advertising Affidavit

Stephanie L. Griffin, who, being duly sworn as the Assistant to the Publisher of the Las Cruces BULLETIN, a weekly newspaper of general distribution published in the City of Las Cruces, County of Doña Ana, State of New Mexico, disposes and states that the legal advertising for

City of Las Cruces  
Notice of Adoption  
1/1M/O Ordinance No. 2488;  
2489; 2490

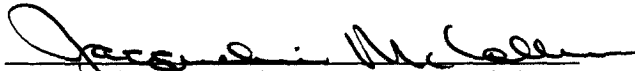
In accordance with the laws of the State of New Mexico, the attached was published in its entirety one time(s) in the Las Cruces BULLETIN, the first publication date being 12/5/08 and subsequent publications being N/A.

  
Stephanie L. Griffin

Sworn to and subscribed before me this 5 day of December 2008 in the

CITY OF LAS CRUCES  
COUNTY OF DOÑA ANA  
STATE OF NEW MEXICO

My Commission expires: **August 11, 2011**

  
Jacqueline McCollum - Notary Public

\$52.<sup>81</sup>  
Advertising Costs

## NOTICE OF ADOPTION

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following Ordinances at The Regular City Council Meeting on December 1, 2008:

1. Council Bill No. 09-026; ~~Ordinance No. 2488~~: An Ordinance Repealing LCMC Section 28-186 through Section 28-265 Commonly Referred to as the Industrial Liquid Waste Disposal Ordinance, Repealing LCMC Section 28-266 through Section 28-300 Commonly Referred to as the West Mesa Industrial Liquid Waste Disposal Ordinance, and Enacting a New Liquid Waste Disposal Ordinance to be Codified as LCMC Section 28-186 et seq.

2. Council Bill No. 09-026; ~~Ordinance No. 2489~~: An Ordinance Enacting an Interceptor and Grease Trap Ordinance to be Codified as LCMC Section 28-220 et seq.

3. Council Bill No. 09-027; ~~Ordinance No. 2490~~: An Ordinance Authorizing the Issuance of the City of Las Cruces, New Mexico Taxable Variable Rate Demand Industrial Revenue Bonds (F&A Dairy Products, Inc. Project), Series 2008 in Two Series in an Aggregate Principal Amount Not to Exceed \$19,500,000 to Refund and Redeem the City's Prior Bonds and to Finance the Costs of Construction, Acquisition and Installation of Certain

Equipment and Related Real Estate Improvements for the Manufacture of Cheese to Be Located in the City; Authorizing the Execution and Delivery of Certain Documents in Connection with the Bonds; Providing the Terms, Sale Price and Other Matters Relating to the Bonds; and Providing for the Payment of the Bonds Solely from Certain Revenues and Other Funds and Assets of F&A Dairy Products, Inc. and with Respect to the Series 2008A Bonds, from a Letter of Credit Issued by Wells Fargo Bank, National Association for the Account of F&A Dairy Products, Inc.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 2nd day of December 2008.

Esther Martinez, CMC  
City Clerk

Pub # 8354  
Dates 12/5, 2008

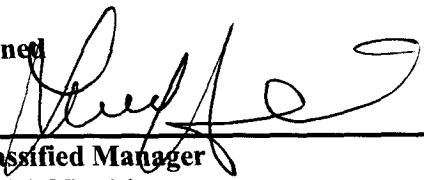
# LAS CRUCES SUN-NEWS

## PROOF OF PUBLICATION

Lou Hendren, being duly sworn, deposes and says that he is the Classified Manager of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 41166 is an exact duplicate of the notice that was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive week(s)/day(s), the first publication was in the issue dated November 09, 2008 and the last publication was November 09, 2008.

Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed

  
 Classified Manager  
 Official Position

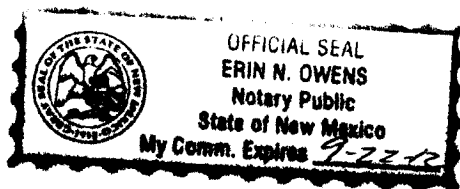
## STATE OF NEW MEXICO

ss.

County of Dona Ana  
 Subscribed and sworn before me this 2 day of December 2008

  
 Notary Public in and for

Dona Ana County, New Mexico  
September 23, 2012  
 My Term Expires



## NOTICE OF INTENT TO ADOPT

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Intent to Adopt The Following Ordinances at The Regular City Council Meeting to be Held on December 1, 2008:

1. Council Bill No. 09-025; ~~Ordinance No. 2488~~: An Ordinance Repealing LCMC Section 28-186 through Section 28-265 Commonly Referred to as the Industrial Liquid Waste Disposal Ordinance, Repealing LCMC Section 28-266 through Section 28-300 Commonly Referred to as the West Mesa Industrial Liquid Waste Disposal Ordinance, and Enacting a New Liquid Waste Disposal Ordinance to be Codified as LCMC Section 28-186 et seq.
2. Council Bill No. 09-026; ~~Ordinance No. 2489~~: An Ordinance Enacting an Interceptor and Grease Trap Ordinance to be Codified as LCMC Section 28-220 et seq.
3. Council Bill No. 09-027; ~~Ordinance No. 2490~~: An Ordinance Authorizing the Issuance of the City of Las Cruces, New Mexico Taxable Variable Rate Demand Industrial Revenue Bonds (F&A Dairy Products, Inc. Project), Series 2008 in Two Series in an Aggregate Principal Amount Not to Exceed \$19,500,000 to Refund and Redeem the City's Prior Bonds and to Finance the Costs of Construction, Acquisition and Installation of Certain

# LAS CRUCES SUN-NEWS

---

Equipment and Related Real Estate Improvements for the Manufacture of Cheese to Be Located in the City; Authorizing the Execution and Delivery of Certain Documents in Connection with the Bonds; Providing the Terms, Sale Price and Other Matters Relating to the Bonds; and Providing for the Payment of the Bonds Solely from Certain Revenues and Other Funds and Assets of F&A Dairy Products, Inc. and with Respect to the Series 2008A Bonds, from a Letter of Credit Issued by Wells Fargo Bank, National Association for the Account of F&A Dairy Products, Inc.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 4th day of November 2008.

Esther Martinez, CMC  
City Clerk

Pub No. 41166  
Pub Date: November 9, 2008



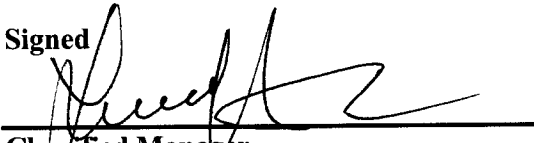
# LAS CRUCES SUN-NEWS

## PROOF OF PUBLICATION

Lou Hendren, being duly sworn, deposes and says that he is the Classified Manager of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 41278 is an exact duplicate of the notice that was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive week(s)/day(s), the first publication was in the issue dated December 03, 2008 and the last publication was December 03, 2008.

Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed



Classified Manager  
Official Position

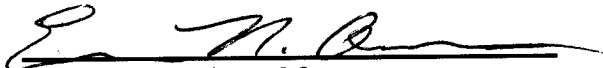
STATE OF NEW MEXICO

ss.

County of Dona Ana

Subscribed and sworn before me this

17 day of December 2008



Notary Public in and for

Dona Ana County, New Mexico

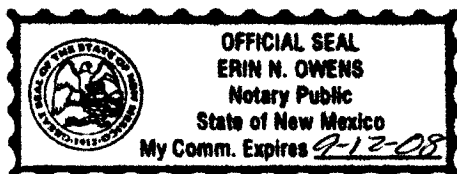
September 27, 2012

My Term Expires

## NOTICE OF ADOPTION

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following Ordinances at The Regular City Council Meeting on December 1, 2008:

1. Council Bill No. 09-025; ~~Ordinance No. 2488~~: An Ordinance Repealing LCMC Section 28-186 through Section 28-265 Commonly Referred to as the Industrial Liquid Waste Disposal Ordinance, Repealing LCMC Section 28-266 through Section 28-300 Commonly Referred to as the West Mesa Industrial Liquid Waste Disposal Ordinance, and Enacting a New Liquid Waste Disposal Ordinance to be Codified as LCMC Section 28-186 et seq.
2. Council Bill No. 09-026; ~~Ordinance No. 2489~~: An Ordinance Enacting an Interceptor and Grease Trap Ordinance to be Codified as LCMC Section 28-220 et seq.
3. Council Bill No. 09-027; ~~Ordinance No. 2490~~: An Ordinance Authorizing the Issuance of the City of Las Cruces, New Mexico Taxable Variable Rate Demand Industrial Revenue Bonds (F&A Dairy Products, Inc. Project), Series 2008 in Two Series in an Aggregate Principal Amount Not to Exceed \$19,500,000 to Refund and Redeem the City's Prior Bonds and to Finance the Costs of Construction,



# LAS CRUCES SUN-NEWS

---

Acquisition and Installation of Certain Equipment and Related Real Estate Improvements for the Manufacture of Cheese to Be Located in the City; Authorizing the Execution and Delivery of Certain Documents in Connection with the Bonds; Providing the Terms, Sale Price and Other Matters Relating to the Bonds; and Providing for the Payment of the Bonds Solely from Certain Revenues and Other Funds and Assets of F&A Dairy Products, Inc. and with Respect to the Series 2008A Bonds, from a Letter of Credit Issued by Wells Fargo Bank, National Association for the Account of F&A Dairy Products, Inc.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 2nd day of December 2008.

Esther Martinez, CMC  
City Clerk

Pub No. 41278

Pub Date: December 3, 2008