

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 7 LIQUID WASTE
PART 11 LIQUID WASTE TREATMENT AND DISPOSAL FEES

20.7.11.1 ISSUING AGENCY: Environmental Improvement Board.
[20.7.11.1 NMAC - N, 2/1/2002]

20.7.11.2 SCOPE: All persons required to obtain a permit, modification to a permit, tank certification or re-inspection under 20.7.3 NMAC.
[20.7.11.2 NMAC - N, 2/1/2002]

20.7.11.3 STATUTORY AUTHORITY: Environmental Improvement Act, Section 74-1-1 through 74 -1-10 NMSA 1978.
[20.7.11.3 NMAC - N, 2/1/2002]

20.7.11.4 DURATION: Permanent.
[20.7.11.4 NMAC - N, 2/1/2002]

20.7.11.5 EFFECTIVE DATE: February 1, 2002, unless a later date is cited at the end of a section.
[20.7.11.5 NMAC - N, 2/1/2002]

20.7.11.6 OBJECTIVE: The objective of this rule is to provide for liquid waste treatment and disposal fees to meet expenses in the administration and operation of the state liquid waste treatment and disposal program. The purpose of the state liquid waste treatment and disposal program is to protect the health and welfare of present and future citizens by providing for the prevention and abatement of hazards to public health and surface and ground water contamination from on-site liquid waste disposal practices.
[20.7.11.6 NMAC - N, 2/1/2002]

20.7.11.7 DEFINITIONS:

A. Unless otherwise defined in this Part, the words and phrases used in this Part have the same meanings as in 20.7.3.7 NMAC, Liquid Waste Disposal and Treatment.

B. As used in this Part, ~~the~~:

~~(1) "advanced treatment" means any process of water renovation that upgrades liquid waste to meet specific reuse requirements. Advanced treatment may include general cleanup of wastewater or removal of specific types of wastes, such as nitrates or other nitrogen compounds, insufficiently removed by primary or secondary treatment processes. Advanced treatment may include physical or chemical treatments;~~

~~(2) "alternative system" means any on-site liquid waste system utilizing a method of liquid waste treatment and disposal used in lieu of, including modifications to, a conventional system that is not recognized and allowed by 20.7.3.7 NMAC or by the New Mexico Design Standards;~~

~~(3) "commercial unit" means a structure without bedrooms but which has sewage producing fixtures such as sinks, baths, showers, toilets, urinals, dish and clothes washers, or floor drains for receiving liquid waste;~~

~~(4) "conventional system" means an on-site liquid waste system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent constructed in accordance with the standards set forth in 20.7.3 NMAC;~~

~~(5) "hazard to public health" means the indicated presence in water or soil of biological, chemical or other contaminants under such conditions that could adversely impact human health, including without limitation surfacing liquid waste, damage to a domestic water supply source, presence of a cesspool or an open tank, or exposure of liquid waste or septage in a manner that allows possible transmission of disease;~~

~~(6) "liquid waste" means graywater or blackwater which may contain without limitation human excreta and water carried waste from typical residential plumbing fixtures and activities, including, but not limited to, wastes from toilets, sinks, showers, baths, clothes and dish washing machines, and floor drains. "Liquid waste" also includes non-water carried wastes discharged into holding tanks and vaults.~~

Specifically excluded from the definition of "liquid waste" are commercial process wastewaters, roof drainage, mine or mill tailings or wastes, and wastes containing high concentrations of stabilizing or deodorizing agents;

~~(7) "modify" means:~~
~~(a) to change the method of on-site liquid waste treatment or disposal;~~
~~(b) to expand the on-site liquid waste system;~~
~~(c) to alter the horizontal or vertical location of the on-site liquid waste system;~~
~~(d) to increase the amount of design flow or load received by the on-site liquid waste system above the original design flow or load;~~
~~(e) to remove or replace component materials in a disposal system; or~~
~~(f) to change the size or boundaries of a lot with an existing on-site liquid waste system so that the total design flow for the lot exceeds the total design flow limitation provided by the formula in Subsection 111.C.1 of 20.7.3 NMAC.~~

~~(8) "notice of non-approval" means notification that, upon inspection, [of a permitted] the inspected liquid waste system is not in compliance with permit conditions or 20.7.3 NMAC.~~

~~(9) "on-site liquid waste system" means a liquid waste system, or part thereof, serving a dwelling, establishment or group, and using a liquid waste treatment unit designed to receive liquid waste followed by either a soil treatment or other type of disposal system. On-site liquid waste systems include enclosed systems and privies but do not include systems or facilities designed to receive or treat mine or mill tailings or wastes;~~

~~(10) "septic tank" means liquid waste treatment units designed to provide primary treatment and anaerobic treatment prior to disposal.]~~

[20.7.11.7 NMAC - N, 2/1/2002]

20.7.11.8 PERMIT FEE: Payment of the fee is due prior to issuance of a permit meeting all the requirements of 20.7.3 NMAC.

- A. The permit fee for a conventional treatment system is \$100.00.
- B. The permit fee for modification of a conventional treatment system is \$50.00.
- ~~C. The permit fee for construction or modification of a commercial unit is \$150.00.]~~
~~[D.]C. The permit fee for construction of an on-site liquid system utilizing advanced treatment or alternative [system] disposal is \$150.00.~~
~~[E.]D. The permit fee for modification of an on-site liquid system utilizing advanced treatment or alternative [system] disposal is \$75.00.~~
E. The fee for a certificate of registration is:
 - ~~(1) \$100 for a conventional treatment system; and,~~
 - ~~(2) \$150 for an on-site liquid waste system utilizing advanced treatment or alternative disposal.~~

[20.7.11.8 NMAC - N, 2/1/2002]

20.7.11.9 SEPTIC TANK MANUFACTURER CERTIFICATION FEE: The annual fee for the certification/re-certification of septic tank designs as required in 20.7.3 NMAC is \$100.00.

[20.7.11.9 NMAC - N, 2/1/2002]

20.7.11.10 RE-INSPECTION FEE: If a site inspection results in an issuance of a notice of non-approval, a fee of \$50.00 shall be assessed for the re-inspection of the system. The re-inspection fee shall be remitted to the department prior to a subsequent inspection being conducted.

[20.7.11.10 NMAC - N, 2/1/2002]

20.7.11.11 VARIANCE FEE: If a variance is requested as provided for in 20.7.3 NMAC, a fee of \$50.00 shall be submitted upon issuance of the variance in addition to the permit fee required in 20.7.11.8 above.

[20.7.11.11 NMAC - N, 2/1/2002]

20.7.11.12 PAYMENT OF FEES:

- A. The department shall not issue a permit, variance or tank design certification until payment is received by the department. The fees required in this Part are non-refundable.

B. The annual fee for the certification/re-certification of septic tank designs shall be received by the department no later than March 1 of each year.

~~[B-]C.~~ All fees shall be remitted to the department in the form of a check or money order made payable to the Environment Department liquid waste fund. All fees collected pursuant to this Part shall be transmitted to the State Treasurer for deposit in the liquid waste fund.

[20.7.11.12 NMAC - N, 2/1/2002]

20.7.11.13 APPLICABILITY:

A. The requirement for payment of the permit application fee shall apply only to those applications received on or after the effective date of this Part.

B. The annual tank certification fee shall apply on or after the effective date of this Part.

~~[The annual fee shall be received by the department no later than March 1 of each year.]~~

C. The requirements concerning payment of a re-inspection fee shall apply only to those re-inspections occurring on or after the effective date of this Part.

[20.7.11.13 NMAC - N, 2/1/2002]

~~[20.7.11.14 PERIODIC REVIEW: In July 2002, the department shall review the fees in this Part and shall provide a report to the Environmental Improvement Board. The department shall revise the fees as necessary in accordance with Section 74-1-7 (A), NMSA 1978. The department shall repeat said review and report in January 2003 and every six months thereafter.~~

~~[20.7.11.14 NMAC - N, 2/1/2002]~~

20.7.11.~~14~~14 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this Part does not relieve a person of the obligation to comply with other applicable state and federal regulations.

[20.7.11.15 NMAC - N, 2/1/2002]

20.7.11.~~15~~15 CONSTRUCTION: This Part shall be liberally construed to implement the purpose of the Act.

[20.7.11.16 NMAC - N, 2/1/2002]

20.7.11.~~16~~16 SEVERABILITY: If any provision or application of this Part is held invalid, the remainder shall not be affected.

[20.7.11.17 NMAC - N, 2/1/2002]

HISTORY of 20.7.11 NMAC: [RESERVED]