

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 7 LIQUID WASTE**
3 **PART 11 LIQUID WASTE TREATMENT AND DISPOSAL FEES**
4

5 **20.7.11.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [20.7.11.1 NMAC - N, 2/1/2002]
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8 **20.7.11.2 SCOPE:** All persons required to obtain a permit, modification to a permit, tank
9 certification or re-inspection under 20.7.3 NMAC.
10 [20.7.11.2 NMAC - N, 2/1/2002]
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12 **20.7.11.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Section 74-1-1
13 through 74 -1-10 NMSA 1978.
14 [20.7.11.3 NMAC - N, 2/1/2002]
15

16 **20.7.11.4 DURATION:** Permanent.
17 [20.7.11.4 NMAC - N, 2/1/2002]
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19 **20.7.11.5 EFFECTIVE DATE:** February 1, 2002, unless a later date is cited at the end of a
20 section.
21 [20.7.11.5 NMAC - N, 2/1/2002]
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23 **20.7.11.6 OBJECTIVE:** The objective of this rule is to provide for liquid waste treatment and
24 disposal fees to meet expenses in the administration, education, and operation of the state liquid waste
25 treatment and disposal program. The purpose of the state liquid waste treatment and disposal program is to
26 protect the health and welfare of present and future citizens by providing for the prevention and abatement
27 of hazards to public health and surface and ground water contamination from on-site liquid waste disposal
28 practices.
29 [20.7.11.6 NMAC - N, 2/1/2002]
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31 **20.7.11.7 DEFINITIONS:**

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

34 B. As used in this Part:

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

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

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

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

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

54 (6) "liquid waste" means graywater or blackwater which may contain without limitation
55 human excreta and water carried waste from typical residential plumbing fixtures and activities, including,
56 but not limited to, wastes from toilets, sinks, showers, baths, clothes- and dish-washing machines, and floor

1 drains. Liquid waste includes nonhuman animal excreta and other animal waste but shall be treated in a
2 separate, properly - designed liquid waste treatment unit dedicated to the treatment of that waste
3 only;"Liquid waste" also includes non-water carried wastes discharged into holding tanks and vaults.
4 Specifically excluded from the definition of "liquid waste" are commercial process wastewaters, roof
5 drainage, mine or mill tailings or wastes, and wastes containing high concentrations of stabilizing or
6 deodorizing agents;

7 (7) "modify" means:

- 8 (a) to change the method of on-site liquid waste treatment or disposal;
- 9 (b) to expand the on-site liquid waste system;
- 10 (c) to alter the horizontal or vertical location of the on-site liquid waste system;
- 11 (d) to increase the amount of design flow or load received by the on-site liquid waste
- 12 system above the original design flow or load;
- 13 (e) to remove or replace component materials in a disposal system; or
- 14 (f) to change the size or boundaries of a lot with an existing on-site liquid waste system

15 so that the total design flow for the lot exceeds the total design flow limitation provided by the formula in
16 Subsection 111.C.1 of 20.7.3 NMAC.

17 (g) to change the name on the permit of the person or contractor who performs the site
18 evaluation, system design, or installation of an on-site liquid waste system.

19 (8) "notice of non-approval" means notification that inspection of a permitted liquid waste
20 system is not in compliance with 20.7.3 NMAC.

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

26 (10) "report" means a printed document provided to the Environment Improvement Board as
27 provided for Section 20.7.11.14 NMAC and to assure that the Environment Improvement Board fulfills its
28 responsibility for consumer protection as provided in 74-1-8 A (3) NMSA 1978. A "report" shall include
29 items in sufficient detail to prove by a preponderance of the evidence that the amounts of the Liquid Waste
30 Treatment and Disposal Fees have been calculated in compliance with 74-1-8 A (3) NMSA 1978. A
31 "report" shall include at least:

32 (a) An updated report from the appropriate authority in each of the states contiguous to New
33 Mexico including Texas, Oklahoma, Colorado, Utah, and Arizona which includes:

- 34 i) Types of permits issued and the amount of the fee for each
- 35 ii) Services rendered that are included in the fees including:

36 (a) Reports issued to other units of Government including Legislatures
37 which indicate the success or failure of the program to complete its mission

38 (b) Licenses, certification, or training required for employment in the
39 program - including inspectors.

40 (c) Continuing education and additional training requirements for
41 employees of the program - including inspectors

42 (d) Itemization of costs for the different types of permits, both completed
43 and rejected, including appeals.

44 (e) Whether inspections are performed, how many and what procedures
45 they include and what percentage of total permits are inspected

46 (f) Costs to implement the program

47 (g) Costs to administer the program

48 (h) Sources of funding for the program

49 b) An updated report from the New Mexico Environment Department which includes at
50 least:

51 i) Types of permits issued and the amount of the fee for each

52 ii) Services rendered that are included in the fees including:

53 (a) Reports issued to other units of Government including Legislatures
54 which indicate the success or failure of the program to complete its mission

55 (b) Licenses, certification, or training required for employment in the
56 program - including inspectors.

- 1 (c) Continuing education and additional training requirements for
2 employees of the program - including inspectors
3 (d) Itemization of costs for the different types of permits, both completed
4 and rejected, including appeals.
5 (e) Whether inspections are performed, how many and what procedures
6 they include and what percentage of total permits are inspected
7 (f) Itemized costs to implement the program
8 (g) Itemized costs to administer the program
9 (h) itemized sources of funding for the program

10 (c) A statement that the information contained in the report is true and accurate with regards
11 to data generated in New Mexico and that the information concerning contiguous states was obtained from
12 the appropriate named source with authority to release the information.

13 (d) Comments and explanations where appropriate

14 ~~(10)~~ (11) "septic tank" means liquid waste treatment units designed to provide primary
15 treatment and anaerobic treatment prior to disposal.

16 [20.7.11.7 NMAC - N, 2/1/2002]

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18 **20.7.11.8 PERMIT FEE:** Payment of the fee is due prior to issuance of a permit meeting all the
19 requirements of 20.7.3 NMAC.

- 20 A. The permit fee for a conventional system is \$100.00.
21 B. The permit fee for modification of a conventional system is \$50.00.
22 C. The permit fee for construction or modification of a commercial unit is \$150.00.
23 D. The permit fee for construction of an advanced treatment or alternative system is
24 \$150.00.
25 E. The permit fee for modification of an advanced treatment or alternative system is \$75.00.

26 [20.7.11.8 NMAC - N, 2/1/2002]

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28 **20.7.11.9 SEPTIC TANK MANUFACTURER CERTIFICATION FEE:** The annual fee for the
29 certification/re-certification of septic tank designs as required in 20.7.3 NMAC is \$100.00. Prior to
30 certification or recertification, the department engineer shall conduct a scheduled on-site inspection of in -
31 state septic tank manufacturing facilities at least once a year and such unannounced inspections as are
32 needed to assure product quality and provide consumer protection. The department shall not recertify
33 septic tanks manufactured within the state nor collect the fees for recertification unless the inspection has
34 been performed within one year of the recertification date. The engineer performing the inspection for
35 certification or recertification shall prepare, date and sign a written report documenting compliance with
36 each individual requirement of 20.7.3.501.

37 [20.7.11.9 NMAC - N, 2/1/2002]

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39 **20.7.11.10 RE-INSPECTION FEE:** If a site inspection results in an issuance of a notice of non-
40 approval, a fee of \$50.00 shall be assessed for the re-inspection of the system. The re-inspection fee shall
41 be remitted to the department prior to a subsequent inspection being conducted.

42 [20.7.11.10 NMAC - N, 2/1/2002]

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44 **20.7.11.11 VARIANCE FEE:** If a variance is requested as provided for in 20.7.3 NMAC, a fee of
45 \$50.00 shall be submitted upon issuance of the variance in addition to the permit fee required in 20.7.11.8
46 above.

47 [20.7.11.11 NMAC - N, 2/1/2002]

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49 **20.7.11.12 PAYMENT OF FEES:**

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

52 B. All fees shall be remitted to the department in the form of a check or money order made
53 payable to the Environment Department liquid waste fund. All fees collected pursuant to this Part shall be
54 transmitted to the State Treasurer for deposit in the liquid waste fund. Penalties for violation of this Section
55 20.7.11.12 shall be in accordance with 74-1-10 A NMSA 1978"

56 [20.7.11.12 NMAC - N, 2/1/2002]

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2 **20.7.11.13 APPLICABILITY:**

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

5 B. The annual tank certification fee shall apply on or after the effective date of this Part. The
6 annual fee shall be received by the department no later than March 1 of each year.

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

9 [20.7.11.13 NMAC - N, 2/1/2002]

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11 **20.7.11.14 PERIODIC REVIEW:** In July 2002, the department shall review the fees in this Part
12 and shall provide a report to the Environmental Improvement Board. The department shall revise the fees
13 as necessary in accordance with Section 74-1-7 (A), NMSA 1978. The department shall repeat said review
14 and report in January 2003 and every six months thereafter. The department shall petition the Board to
15 review, adjust, and reauthorize the fees based upon the report. The department shall demonstrate to the
16 Board that the fees charged meet the requirements of 74-1-8 A (3) NMSA 1978. No fee shall be charged
17 unless the Board reviews, adjusts, and reauthorizes the fee in compliance with 20.7.11.14 and 74-1-8 A (3)
18 NMSA 1978. Penalties for violation of this Section 20.7.11.14 shall be in accordance with 74-1-10 A
19 NMSA 1978.

20 [20.7.11.14 NMAC - N, 2/1/2002]

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22 **20.7.11.15 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this Part does
23 not relieve a person of the obligation to comply with other applicable state and federal regulations.

24 [20.7.11.15 NMAC - N, 2/1/2002]

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26 **20.7.11.16 CONSTRUCTION:** This Part shall be liberally construed to implement the purpose of
27 the Act.

28 [20.7.11.16 NMAC - N, 2/1/2002]

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30 **20.7.11.17 SEVERABILITY:** If any provision or application of this Part is held invalid, the
31 remainder shall not be affected.

32 [20.7.11.17 NMAC - N, 2/1/2002]

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34 **HISTORY of 20.7.11 NMAC:** [RESERVED]

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