

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 for the administration of the state liquid waste regulations. The purpose of the state liquid waste treatment and disposal program is to protect the health and welfare of present and future citizens of New Mexico by providing for the prevention and abatement of public health hazards and surface and ground water contamination from on-site liquid waste disposal practices.
[20.7.11.6 NMAC - N, 2/1/2002; A, 12/15/2011]

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.

B. As used in this part:

(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 a conventional system, including modifications that is recognized and allowed by 20.7.3 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) "notice of non-approval" means notification that inspection of a permitted liquid waste system is not in compliance with 20.7.3 NMAC;

(7) "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;

(8) "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; A, 12/15/2011]

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

[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. 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 order for the environmental improvement board to fulfill its obligation to establish onsite liquid system fees in accordance with Section 74-1-8(A)(3), NMSA 1978, the department shall provide information by January 15th of each year to the environmental improvement board as follows:

- A. liquid waste fund revenues for the previous fiscal year;
- B. liquid waste fund expenditures for the previous fiscal year:
 - (1) personal services and benefits;
 - (2) contracts;
 - (3) other costs;
 - (4) indirect;
- C. external audit report for the previous fiscal year;
- D. current fiscal year budget for field operations bureau approved by the department of finance and administration and the legislative finance committee;
- E. report on contiguous states' fees:
 - (1) for Arizona, Oklahoma and Texas: report of state program fee schedules (although some Texas counties have their own fee schedules);

- (2) Colorado and Utah: report of fee schedule for each county or health district;
- F. performance measures report for previous fiscal year;
- G. copy of liquid waste annual strategic plan;
- H. copy of training plan, if any, for the upcoming year.

[20.7.11.14 NMAC - N, 2/1/2002; A, 12/15/2011]

20.7.11.15 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]

20.7.11.16 CONSTRUCTION: This part shall be liberally construed to implement the purpose of the act.

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

20.7.11.17 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]