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August 21, 2006

Joyce Medina, Administrator  
New Mexico Environmental Improvement Board  
Harold Runnels Building, Rm N2150  
1190 St. Francis Drive  
Santa Fe, New Mexico 87505

**Re: Petition for Public Hearing to Consider a Proposed Amendment to the Liquid Waste Disposal and Treatment Regulations in Title 20, Chapter 7, Part 3 of the New Mexico Administrative Code.**

Dear Ms. Medina:

The Environmental Health Division of the New Mexico Environment Department (“NMED”) respectfully requests a hearing before the Environmental Improvement Board (“EIB”) on proposed amendments to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC. The purpose of the proposed amendments is to make relatively minor adjustments to the current regulations, to clarify various provisions and to assure that the Liquid Waste Program can adequately perform its function. We respectfully request that the Board consider this Petition at its meeting on September 7, 2006, and set the proposed amended rule for hearing in January of 2007, or as soon thereafter as is practical. The Bureau expects that the hearing will take 1 day. Scheduling a hearing in January of 2007 or later will allow for 60 days notice to the public pursuant to NMSA 1978, §74-1-9D (1985).

The proposed amendments include:

**Section 20.7.3.7:**

Subsection A - Definition of “alternative disposal” amended to remove surface irrigation systems, and definition of “approved” amended to include liquid waste systems permitted by the department of by Bernalillo County.

Subsection L - Definition of “limiting layer” simplified.

Subsection M - Definition of “modify” clarified.

**Section 20.7.3.201:**

Subsection H - Amended to change requirement for space for replacement leachfield from 100% to 50%.

Subsection N - Amended to clarify effect of letter of determination.

Subsection R - Clarification of water-softener requirements.

**Section 20.7.3.202:**

Subsection A - Clarification of modification procedures.

Subsection E - Clarification that modification approval is equivalent to permit.

**Section 20.7.3.203:**

Subsection A - Clarification that test-holes may not be required if soil conditions known.

Subsection B - Clarification that all homeowner installed systems must be inspected by the department.

**Section 20.7.3.301:**

Subsection I - Requirement that if size or boundaries of a lot are changed so that the total design flow exceeds the applicable lot size limitation, the permit shall be void.

Subsection J - Requirement that if size or boundaries of a lot is changed so that the total design flow does not exceed the applicable lot size limitation, an amendment to the permit must be submitted.

**Section 20.7.3.302:**

Table 302 - Setbacks for seepage pits changed from 5 to 10 feet.

**Section 20.7.3.401:**

Subsection C - Requirement that self-installed systems by inspected by department moved to section 203.

Subsection J - Provides for department approved inspection form for treatment units.

Subsection K - Clarifies that an unpermitted system may be permitted if it can be adequately inspected, and that department may impose a penalty at its discretion.

**Section 20.7.3.403:**

Subsection E - Clarification that on transfer of property using an advanced treatment system, the permit must be amended to show ownership and maintenance contract change.

**Section 20.7.3.405:**

Subsection B - Clarification of notification requirements for variances.

**Section 20.7.3.501:**

Subsection B - Clarification of standards for treatment units.

**Section 20.7.3.601:**

Subsection E - Addition of requirement for sampling port on advanced treatment systems.

**Section 20.7.3.605:**

Subsection B - Clarification of treatment system required for soil type IV.

Subsection C - Changes to requirements for depth of suitable soil or geologic condition.

**Section 20.7.3.701:**

Subsection E - Minimum distance between disposal field and seepage pit excavation changed from 5 to 10 feet.

Subsection F - Addition of language allowing a tee fitting instead of a distribution box for multiple trenches (moved from paragraph 3 of Subsection F).

Subsection H - Amendment of disposal field requirements.

**Section 20.7.3.702:**

Clarification that seepage pits may only be used when conventional system cannot be installed due to site restrictions.

**Section 20.7.3.703:**

Subsection B - Rewording for clarification.

Subsection F - Rewording for clarification.

Subsection G - Rewording for clarification.

Subsection J - Minimum absorption area changed from 150 square feet to 300 square feet.

**Section 20.7.3.801:**

Surface applications were removed as an alternative disposal method.

**Section 20.7.3.803:**

Subsection D - Clarification language changes.

**Section 20.7.3.805:**

Subsection A - Language clarification.

Subsection J - Language added to make clear that setback distances apply to irrigation systems.

**Section 20.7.3.807:**

Subsection C - Language changed to give department flexibility depending on site conditions and other circumstances.

Subsection E and F – Deleted.

**Section 20.7.3.811:**

Subsection A - Deletion of requirement that a residential unit be single family.

**Section 20.7.3.902:**

Subsection E - Clarification of requirements for maintenance and sampling for advanced treatment systems.

**Section 20.7.3.904:**

Subsection A - Change of date for certification program from July 1, 2007 to July 1, 2009.

**Section 20.7.3.907:**

Clarification that water cannot be disconnected by department without following due process.

The Environmental Health Division has worked diligently with various stakeholder groups in preparation of these proposed amendments, and will continue to do so. A redline-strikeout version of the proposed amended regulation is attached. This version will also be posted on the NMED website.

Thank you for your consideration of this request.

Sincerely,

Charles F. Noble  
Assistant General Counsel

Enclosure

cc: Zach Shandler, Assistant Attorney General  
Ana Marie Ortiz, Director, Environmental Health Division