



Amendments to EIB Liquid Waste Regulations

July 2005



Regulation Re-Write Process

- **2 years of stakeholder meetings**
- **Public comment period, summer 2004**
- **Public hearings in December 2004 and April 2005**
- **New regulations adopted April 6, became effective September 1, 2005**



Major Changes

- **Minimum lot sizes**
- **Drainfield sizing**
- **Secondary, tertiary and disinfection treatment standards**
- **Permits for un-permitted systems**
- **Transfer of permits**
- **Property transfer inspections**
- **Effluent monitoring**
- **Certification and education program**



Small Lot Grandfathering

**Old rule allowed
conventional septic systems
on lots less than 0.75 acre if
platted prior to 2/2/90.**



Revised Lot Size Rules

- **No change to minimum lot size of 0.75 acre for lots platted 2/1/90 or later.**
- **No change to lot size requirements for developed lots with existing systems, if design flow not increased.**
- **Changes for undeveloped lots platted prior to 2/1/90.**



Revised Lot Size Rules

<u>Record Date</u>	<u>Minimum Lot Size</u> <u>(acre)</u>
2/1/90 to present	0.75
Before 2/1/90, developed lot	lot size in effect on record date
Before 2/1/90, undeveloped lot	0.5 to 0.75, depending on depth to GW, water source, proximity to public well



Undeveloped Lots, Platted before 2/1/90

- **No septics on lots smaller than 0.5 acre.**
- **No septics on lots smaller than 0.75 acre in areas with depth to ground water 100 feet or less, or within 200' of public well.**



Undeveloped Lots, Platted before 2/1/90

Sunset Provisions for 101-600' Depth to Ground Water:

- 3 year sunset period for lots with on-site wells, not within 200' of public well
- 5 year sunset period for lots with public water system, not within 200' of public well
- No septics on lots smaller than 0.5 acre.



Undeveloped Lots, Platted before 2/1/90

Greater than 600' Depth to Ground Water:

Minimum lot size of 0.5 acre, no sunset provision.



Drainfield Sizing

- **Up to 7 ft²/linear ft allowed for absorptive area**
- **Sidewall credit increased from 2' to 3'**
- **Surge storage reduced from 12" to 6"**
- **Up to 30% reduction allowed for advanced treatment or proprietary products, but not 30% for both**
- **Percolation tests no longer required; loading rate based on biomat, not soil type**



Treatment Standards

- **Secondary, 30 mg/L BOD**
- **Tertiary, total N prorated to lot size**
- **Disinfection, 200 fecal CFU**



Un-permitted Systems

Installed prior to 2/1/02 – certificate of registration for continued operation issued if: system pumped and inspected; system appears to be functioning properly; and the fee is paid.



Un-permitted Systems

Installed after 2/1/02 – may be permitted if: system is fully exposed and inspected; system, upon inspection, meets all regulatory requirements; and fee and penalty are paid.



Transfer of Permits

Conventional Systems

- Permit transferable with property if system inspected and evaluated
- No change of ownership notification required

Advanced Systems

- Permit transferable with property if system inspected and evaluated
- New owner must notify NMED and provide valid maintenance contract



Operation, Maintenance, Inspections

All Systems:

- **Inspection at time of transfer**
- **Hazmat prohibited**
- **Spillage cleanup**

Advanced Systems:

- **Maintenance service contract required for new systems**

Property Transfer Inspections

- Section 902E
- Current system owner's responsibility
- Inspection performed by a private industry, certified inspector
- Inspection done prior to property transfer
- Inspectors shall submit all reports to the Dept., whether complete or not
- Amendment of permit for advanced systems



Monitoring

- **NMED right of entry for all systems**
- **Advanced treatment effluent monitoring**
 - **Quarterly first year, semi-annual second year, annual thereafter**



Certification

- **NMED to develop certification program by 7/1/07 that will include all aspects of the onsite liquid waste industry.**
- **Certification levels to include: homeowner installation, site evaluator, system designer, installer (1 & 2), wastewater reuse irrigation, inspector, maintenance service provider, septage pumper**



Training

- **NMED to appoint education steering committee by 1/1/06.**
- **Committee recommends course sponsors, courses, and instructors for approval by NMED Secretary.**



Areas Where Stricter Standards May Be Applied

- **water-table aquifer with a vadose zone thickness of 100 foot or less containing no soil or rock formation that would act as a barrier to saturated or unsaturated flow;**
- **within 1/4 mile of known anthropogenic anoxic or nitrate ground-water contamination;**
- **aquifer overlain by fractured bedrock;**
- **aquifer in karst terrain; or**
- **within 200' of gaining stream impacted by nutrients from liquid waste systems**



Stricter Standards, Contd.

- **NMED determination letter, good for one year, of whether stricter standards will be applied to a parcel or property.**



Miscellaneous

- **Effluent filters required for new septic tanks**
- **New provisions for cluster, ET, irrigation/reuse, mound, and low pressure dosed systems, and for composting/incinerating toilets**



Miscellaneous, Contd.

- **Advanced treatment unit restrictions on water softener waste and commercial additives**
- **Pretreatment required for new discharges of RV waste**