



**New Mexico Environment Department
Liquid Waste Program**

525 Camino de los Marquez, Suite 1
Santa Fe, NM 87505
505-476-8600



**Liquid Waste Disposal and Treatment Regulations
Summary of Proposed Amendments Submitted to NMED
April 28, 2006**

On March 2, 2006 NMED solicited suggestions for amendments to the regulations, in accordance with the directive from the Environmental Improvement Board for a six-month review. The table below summarizes substantive comments that were received by NMED. A number of suggestions for editorial changes were made, that are not listed below. Additionally, comments not specifying a regulation change were made to the effect that NMED should improve permit search services, training and enforcement, provide better process/procedures information, and that the regulations should be written in layman's terms. We greatly appreciate and will give serious consideration to all comments provided.

| 20.7.3 Section | Proponent(s) | Summary of Proposed Substantive Amendment |
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| 7A(4) | NMED | Eliminate surface irrigation |
| 7A(6) | Bernalillo County | Expand the definition of 'approved' to include liquid waste systems and persons authorized to do work |
| 7C | NMED | Add definition of 'certificate of registration' |
| 7M(5) | POWRA, NMED | Add change size of lot to definition of 'modify' |
| 7S(14) | Jerry Deal | Remove restricted access for surface application |
| 7S(14) | NMED | Remove surface application completely |
| 201E | Jerry Deal, POWRA | Require only primary treatment systems be connected to a public sewer if required by local authority; exempt advanced treatment systems |
| 201H | NMHBA, Dr. Hansen | <ul style="list-style-type: none"> • Concern that with the larger drain fields, 100% replacement area is burdensome • No replacement area needed for drip systems |

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| 201L | NMED | Add “or the current regulations, whichever is less stringent’ to requirement |
| 201N | Dr. Hansen | Remove language concerning letters of determinations |
| 201P(3) | Dr. Hansen | Allow design flow to be based on equalization of short term peak activities |
| 201R(1) | Bernalillo County | Add language referencing alternative discharge options |
| 201R(2) | Bernalillo County | Add language referencing all state and local regulations |
| 202A | POWRA, RANM, NMED | Add clarifying language concerning modification and current standards |
| 203E | POWRA, NMED | Clarify requirements for modifying an un-permitted system |
| 203A | Bernalillo County, NMED | Modify language dealing with test holes |
| 203B | Bernalillo County | Add language requiring photos and as-built scaled drawings, move language concerning inspection of ‘self-installed’ systems here |
| 301 | Mel Elkins | Allow ¼ acre lots in certain areas |
| 301C | Bernalillo County | Authorize conventional systems based on total nitrogen loading |
| 301D | Johnny’s Septic | Language concerning existing cesspools |
| 302A | Bernalillo County | Increase setback from seepage pit to private well |
| 302A, 303B&C | Bernalillo County | Increase clearance to limiting layer to 5 feet |
| 306 | Jerry Deal | Require septage pumping to be reported to NMED |
| 401D | Bernalillo County | Require permit for all graywater systems |
| 401K | NMED | Make assessment of penalties for installing an un-permitted system discretionary, not mandatory, in accordance with the statute. |
| 402A(1) | Bernalillo County | Require site plans be scaled 1”=20’ |
| 403E | NMED | Add requirement that change of ownership of advanced systems be submitted to NMED upon time of transfer |
| 405B | Bernalillo County, POWRA, NMED | Change variance notification requirement |
| 405D | Bernalillo County | Remove requirement for issuing variance after 10 working day waiting period |
| 601 | Dr. Hansen | Require all advanced treatment units be preceded by a full size septic tank |
| 605B(3) & F | Johnny’s Septic, POWRA, NMED | Modify requirements for clay soils |
| 605C(3) | American Pumping, NMED | Modify required treatment level for less than 2 feet of soil |
| 605D | Bernalillo County | Include the TN loading as a basis for system determination |

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| 605D(3) | Jerry Deal | Require 100% use of secondary treated effluent for irrigation on lots less than $\frac{3}{4}$ acre |
| 701C | Jerry Deal | Proprietary drainfield products sized on actual dimensions of trench surface, no reduction credits |
| 701D | Johnny's Septic | Eliminate requirement for inspection ports |
| 701E | Bernalillo County | Rectify set back distance from tank to seepage pit to agree with Table 302.1 |
| 701F | Bernalillo County | New language for D-boxes and Tees |
| 701H | Gene Bassett, NMED | Change amount of aggregate under drain line to agree with 703J |
| 702 | Gene Bassett, POWRA, NMED | Eliminate variance requirement for seepage pits |
| 703 | NMHBA | Concerns with increased drain field sizes in specific areas of the state |
| 703D | Bernalillo County | Add language referencing ASTM standard |
| 703G | POWRA, NMED | Modify requirements for clay soils |
| 703H, Table 703.1 | Bernalillo County | Increase loading rates for Type II and III soils |
| 703J(2), (3), (4) | Gene Bassett, Bernalillo County, POWRA | Eliminate six inch drain field surge capacity; allow credit for all sidewall up to invert of distribution pipe |
| 706J(6) | American Pumping, NMED, Gene Bassett, POWRA | Change the required amount of bottom area of a trench |
| 801 | NMED | Remove surface application as an alternative disposal method |
| 802 | Bernalillo County | Require installation of pit privy by variance only |
| 804 | Dr. Hansen | Allow nitrogen reduction credit for composting toilets |
| 805 | Jerry Deal | Allow surface application of disinfected effluent for an area meeting the drainfield sizing requirements |
| 805 | NMED | Add paragraph reducing setbacks to property lines and buildings equaling setbacks for graywater |
| 807E | Bernalillo County | Modify slope requirements for installation of mounds |
| 807F | Bernalillo County | Change finished side slope requirement for mounds |
| 808 | Gene Bassett | Require maintenance contracts on low-pressure dosed systems |
| 808I(8) | Bernalillo County, NMED | Require dose volume (Bernco) and frequency (NMED) to submittal requirements |
| 810D | POWRA | Change clearance to ground water for graywater system to 4 feet |

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| 811O | POWRA | Allow graywater to be used for fire suppression |
| 901A | Bernalillo County | Require all sampling costs be the responsibility of the system owner |
| 902E | POWRA, RANM | <ul style="list-style-type: none"> • Eliminate specific inspection requirements and add inspection by NMED approved inspector utilizing approved forms (POWRA) • Allow inspection reports to be valid for 365 days (RANM) • Waive inspection requirements for systems that will be abandoned (RANM) |
| 902E(2) | Bernalillo County | Require sampling of advanced treatment systems as part of property transfer inspections |
| 902E(3) | RANM, POWRA, NMED | <ul style="list-style-type: none"> • Modify the requirement that corrective action be completed in 15 days • NMED should provide written acknowledgement/acceptance of inspection reports (RANM) |
| 904A | POWRA | NMED shall develop and implement a certification program by July 1, 2007 |
| 907 | Bernalillo County | Add 'or authorized representative' |
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List of Acronyms

ASTM – American Society for Testing and Materials

NMHBA – New Mexico Home Builders Association

NMED – New Mexico Environment Department

POWRA – Professional On-Site Waste Water Reuse Association of New Mexico

RANM – Realtors Association of New Mexico