New Mexico Environment Department
Liquid Waste Program

Frequently Asked Questions

Q - If I have a house and septic tank on a small lot, will I be required to upgrade to an advanced treatment system?
A - No, not unless you increase design flow, such as by adding another bedroom or convert an existing room to a bedroom.

Q - Can small lots, less than ¾ acre still be developed?
A - Yes, but a non-discharging system, an advanced treatment system, or an alternative disposal system may be required.

Q – Where can I find information on advanced treatment systems?
A – The Liquid Waste Program website has a list of advanced treatment units that are approved for use in New Mexico. You can view this list by accepting the product disclaimer at:

product disclaimer

and selecting Advanced Treatment Systems. The manufacturer or distributor of each product can supply specific information about it.

Q – Where can I find information on alternative disposal systems?
A – The Liquid Waste Program website also has a list of alternative disposal products that are approved for use in New Mexico. You can view this list by accepting the product disclaimer at:

product disclaimer

and selecting Drainfield Products. The manufacturer or distributor of each product can supply specific information about it.

Q - What is considered an "unpermitted" septic system?
A - A system for which no permit has been issued by NMED. If no permit can be found by NMED or the owner, it is considered unpermitted.

Q – Can I look for my own liquid waste permit?
A – Yes. There are copies of files from the NMED permit database on the Liquid Waste Program website. These files can be searched online, or a request for a permit search can be made to the local NMED Field Office. You can access these files at:

Liquid Waste (Septic Tank) Program Home Page

Q - What if I have an un-permitted system on my property?
A - Systems installed prior to February 1, 2002 can be issued a Certificate for Continued Operation if the system is pumped, inspected by NMED, and appears to be functioning properly. Systems installed after February 1, 2002 will have to be exposed, inspected by NMED, will have to comply with all rules, and will be assessed a penalty. NMED policy states, "exposure of the drainfield need only be sufficient to determine all relevant aspects of drainfield construction and materials, including, but not limited to, soil formations; pipe size, type and material; end cap and inspection port installation; proper distribution box installation, if required; proper placement of aggregate and cover; and proper trench size, slope and spacing. The treatment unit must be adequately exposed to allow full inspection.".

Q – What is the difference between a cesspool and a septic system?
A - Cesspools are simply an unlined pit that sewage is discharged into. It may or may not be covered. A septic system usually consists of a buried plastic or concrete tank and leachfield. The tank is designed in a way to allow some treatment of the sewage and the leachfield is designed to prevent sewage from coming to the surface of the ground.

Q - What if my property has a cesspool?
A - Cesspools have been categorically illegal for decades, and must be replaced with a permitted system.

Q - What if I need to replace a permitted or un-permitted system on my property?
A - The part of the system being replaced will have to come up to code for all rules other than lot size.

Q - Who can perform property transfer inspections?
A - NMED currently recognizes Construction Industries Division licenses MM-1, MM-98, MS-1 and MS-3, Professional Engineer registration, or National Association of Waste Transporters (NAWT) certification. A partial list of qualified inspectors can be found at:

Inspector List

If the system is unpermitted, NMED must perform the inspection.

Q - Are liquid waste permits transferable to new property owners?
A - Yes, septic systems require a property transfer inspection with no further notification. Advanced treatment systems require a property transfer inspection and notification. The property transfer inspection form can serve as notice of transfer of ATU ownership.

Q – What needs to be done to abandon an old septic system?
A – Contact NMED before completing the abandonment, to arrange for an inspection. Any remaining liquid in the tank must be pumped first. The bottom of the tank must be opened or

ruptured, or the entire structure collapsed, so as to not allow retention of rainwater. The cover must be removed or collapsed. NMED must inspect and approve the unit before filling above the outlet pipe with earth, sand, gravel, concrete or other approved material. The unit can then be completely buried.

Q – Can water softeners be used with a septic system or advanced treatment unit?

A – Water softeners can be used with conventional septic systems. If your home is served by an advanced treatment unit, and was constructed September 1, 2005 or later, the regeneration wastewater from the softener must bypass the advanced treatment unit. The regeneration waste can be discharged to the drainfield, or disposed of in some other acceptable manner. If a water softener is added to an existing residential or commercial unit, the liquid waste permit must be modified, the advanced treatment unit maintenance service provider must be given written notice of the addition of the softener and either a demand-initiated regeneration control device installed on the softener, or the softener waste must bypass the advanced treatment unit. The system owner should verify that the advanced treatment unit warranty is not affected by the addition of a water softener.

Q – Can single chamber septic tanks be used?

A – Prior to 1976, single chamber septic tanks were allowed. So, if a system was installed before that date, it is allowed for continued use, unless there is a modification of the system requiring compliance with current regulations.