

**STATE OF NEW MEXICO**  
**ENVIRONMENT DEPARTMENT**  
**ENVIRONMENTAL HEALTH DIVISION**

**LIQUID WASTE PROGRAM**

**GUIDANCE NUMBER 16:** Period of time for which an inspection is valid for purposes of property ownership transfer.

**I. PURPOSE:**

This guidance specifies the period of time for which either a new construction inspection or a property transfer inspection may be considered valid by NMED, in the event that the property ownership is transferred within less than 180 days, or if unoccupied, within one year.

**II. APPLICABILITY:**

This guidance applies to waiving the requirement for a second inspection if documentation of a previous construction inspection of the entire system by NMED or a property ownership transfer inspection, is presented that shows that the inspection was performed no more than 180 days prior to the closing date of a property transfer. An inspection may also be waived for properties that have remained unoccupied since the initial construction inspection, or property transfer inspection, for up to one year.

**III. GENERAL:**

The NMED liquid waste disposal and treatment regulations are silent on the period of time for which an inspection is valid when an ownership transfer inspection is required. Section 20.7.3.203.A states that the department may inspect any newly constructed or modified liquid waste system during or upon completion of construction or modification. Section 20.7.3.902.E states that prior to the transfer of ownership of a property served by a liquid waste system, the owner shall have the system inspected.

**IV. GUIDANCE STATEMENT:**

To avoid an excessive economic burden on owners of liquid waste systems, in cases where an inspection has been performed no more than 180 days prior to the transfer of ownership of a property served by a permitted liquid waste system, NMED shall waive the requirement for a second property transfer inspection. The original, or a copy, of the inspection form, showing that the system was inspected, and approved in the case of new construction, or accepted in the case of a property transfer inspection, must be submitted to the local field office. An application for the inspection waiver shall be made on the NMED approved form and a copy will be made available to the property owner by

NMED upon completion of review of the documents. Approval of the inspection waiver in no way may be construed as a guarantee of the condition of the system.

In cases where a system has remained unoccupied since the construction or property transfer inspection, an inspection waiver may be granted up to one year from the time of the initial inspection. Documentation, in addition to the inspection waiver form, must accompany the request for waiver. This documentation shall include a signed statement from the owner, general contractor, or authorized agent, stating that the home has been unoccupied since the initial construction and that the onsite liquid waste system has not been used, damaged, or modified in any way. The system must have been connected to the home at the time of the original inspection, and must still be connected to the home at the time of the waiver in order to ensure minimal damage to the system that could occur from the presence of heavy equipment.

A waiver for a second inspection may not be granted to unpermitted liquid waste systems, or systems originally having only a photographic inspection.

V. **APPROVAL:**

Approved by EHD Director

*Ana Marie Rief*

VI. **EFFECTIVE DATE:**

12/19/07