

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
FIELD OPERATIONS DIVISION

LIQUID WASTE PROGRAM

GUIDANCE NUMBER 13: Priority of liquid waste system inspections.

I. PURPOSE:

This guidance is to clarify the priority given, when necessary, to inspections of unpermitted, modified and newly constructed systems.

II. APPLICABILITY:

This guidance applies to scheduling and completion of inspections of newly constructed, modified and unpermitted systems.

III. GENERAL:

The Liquid Waste Disposal and Treatment Regulations require that all unpermitted systems be inspected before issuance of a certificate of registration for continued operation, or a permit. Unpermitted systems being modified must first be inspected. Homeowner installed systems shall also be inspected. Inspection of newly constructed systems, modified systems, or systems installed under a variance is at the discretion of the department, but encouraged due to performance measure requirements.

IV. GUIDANCE STATEMENT:

20.7.3.202.E, NMAC, states in part, "The modification of unpermitted systems shall be preceded by an inspection." The department has no discretion in the case of modification of an unpermitted system.

20.7.3.203.A, NMAC, Procedures: Inspections and Testing, states in part, "The department may perform site inspections prior to making a decision on a permit application or variance petition, during construction or modification of the system and after completion of the system."

A site inspection of the system, at various stages in the permitting process, is at the discretion of the department. A photographic inspection may be allowed when it is not possible for NMED personnel to perform a site inspection. See 20.7.3.203.B(1)

Section 20.7.3.401.C states in part, "All construction defined as "self installed" will be required to be inspected by the department."

In addition, 20.7.3.401.J and K, NMAC state, "Unpermitted conventional systems installed prior to February 1, 2002 may be issued a certificate of registration for continued operation if:

- (1) the treatment unit is pumped and inspected;
- (2) the disposal system appears to be functioning properly; and
- (3) the appropriate permit fee is paid for the system installed.¹

K. Unpermitted conventional systems installed on or after February 1, 2002 may be permitted if:

- (1) the entire treatment and disposal system is fully exposed and inspected;
- (2) the on-site liquid waste system is determined, upon inspection by the department, to meet all requirements of 20.7.3 NMAC; and
- (3) the appropriate permit fee and an administrative penalty in accordance with Environmental Improvement Act, Chapter 74, Article 1 NMSA 1978, are paid.

Unpermitted systems, constructed before February 1, 2002 may only be issued a certificate of registration, after being pumped and inspected and found to be "functioning properly" and meet the requirements of the regulations in effect at the time of their construction. (See Guidance 8 for clarification on the requirement to meet the regulations in effect at the time of their construction and footnote below).

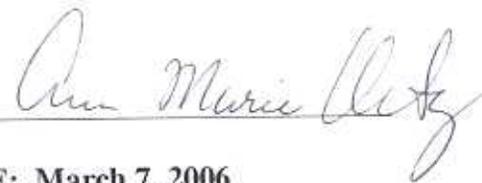
Unpermitted systems installed on or after February 1, 2002 may only be issued a permit, after being fully exposed and inspected by the Department and found to meet all requirements of 20.7.3 NMAC. (See Guidance 8 for clarification of requirements for exposure of the system.)

In both cases, an inspection is required before issuance of either a certificate of registration or a permit.

Considering all these sections together, homeowner installed systems and unpermitted system inspections take precedence over newly constructed or modified systems, when workload, personnel shortages, or other factors dictate that site inspections cannot be performed by NMED personnel on liquid waste systems subject to inspections.

V. **APPROVAL:**

Approved by FOD Director



VI. **EFFECTIVE DATE: March 7, 2006**

¹ However, a third party inspection only provides an inspection report to the Department. The Department in turn is the regulator and the only person/entity that can review the application for completeness and permit issuance after it receives the third party inspection report under Section 401.J. Additionally, if a report is received by a third party inspector, the Department inspector who issue the final permit has the discretion to still perform an inspection if the inspector so determines one is necessary.