

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
FIELD OPERATIONS DIVISION

LIQUID WASTE PROGRAM

GUIDANCE NUMBER 7: Modification of a permitted on-site liquid waste system to current standards.

I. PURPOSE:

This guidance is provided to clarify what regulation standards on-site liquid waste systems must meet upon modification.

II. APPLICABILITY:

This guidance applies to all permitted on-site liquid waste systems requesting modification. Subsection 20.7.3.202.E NMAC applies to modifications of unpermitted systems. Please see guidance 8 and 9 for modifications of unpermitted systems.

III. GENERAL:

When an on-site liquid waste system is modified, the modification must meet the minimum regulatory standards as set forth in 20.7.3 NMAC, Liquid Waste Disposal and Treatment Regulations.

IV. GUIDANCE STATEMENT:

There are two sections within 20.7.3 NMAC that indicate on-site liquid waste systems must meet certain requirements upon modifications.

First, Subsection 20.7.3.202.A NMAC, **PROCEDURES; MODIFICATION OF EXISTING SYSTEMS** states:

- A. Prior to the modification of an existing on-site liquid waste system, a permit application must be submitted in accordance with 20.7.3.401-405 NMAC. **The modification shall be in accordance with 20.7.3 NMAC except as noted in Subsection C of 20.7.3.202 NMAC below.** (emphasis added)

This subsection specifically states the modification shall be brought up to current standards, except for lot size in certain instances (Subsection 20.7.3.202.C NMAC). "The modification" applies to the portion of the liquid waste system being modified or replaced and not to the remaining portions of the system, if the remaining portions of the system are functioning properly.

Second, Subsection 20.7.3.402.D NMAC, **PERMITTING; CONVENTIONAL TREATMENT AND DISPOSAL SYSTEMS**, emphasizes the requirement that a modification as well as an installation requires department approval to ensure the system meets the requirements of 20.7.3 NMAC.

D.No person shall operate or use an on-site liquid waste system until the department has granted final approval of the system after installation or modification of the system is completed. No person shall occupy a newly constructed or transported dwelling for which an on-site liquid waste system is required until the department has granted such final approval and, if applicable, until the governmental body with authority to regulate construction has granted an occupancy permit. **The department shall not grant final approval if the system as installed or modified does not meet the requirements of 20.7.3 NMAC.** (emphasis added)

Subsection 20.7.3.202.E NMAC applies to modifications of unpermitted systems. Please see guidance 8 and 9 for modifications of unpermitted systems.

In conclusion, based on the above referenced sections, modifications of permitted on-site liquid waste systems shall apply to the portion being modified and not to the entire system if the remaining portions of the system are functioning properly. The portion of the on-site liquid waste system, being modified, shall be constructed in accordance with the current regulatory standards of 20.7.3.NMAC.

V. **APPROVAL:**

Approved by FOD Director



VI. **EFFECTIVE DATE:** December 22, 2005