

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 7 LIQUID WASTE
PART 11 LIQUID WASTE TREATMENT AND DISPOSAL FEES

20.7.11.1 ISSUING AGENCY: Environmental Improvement Board.
[20.7.11.1 NMAC - Rp, 20.7.11.1 NMAC, XX/XX/2020]

20.7.11.2 SCOPE: All persons required under 20.7.3 NMAC to obtain a:

- A.** Permit;
- B.** Modification to a permit;
- C.** Registration;
- D.** Septage pump truck registration;
- E.** Certificate of qualification for:
 - (1)** Homeowner certification,
 - (2)** Third-party evaluator certification,
 - (3)** Maintenance service provider certification,
 - (4)** Septage pumper certification, or
 - (5)** Installer specialist certification
- F.** Septic Tank Certification; or
- G.** Re-inspection.

[20.7.11.2 NMAC - Rp, 20.7.11.2 NMAC, XX/XX/2020]

20.7.11.3 STATUTORY AUTHORITY: Environmental Improvement Act, Section 74-1-1 through 74 -1-10 NMSA 1978.

[20.7.11.3 NMAC - Rp, 20.7.11.3 NMAC, XX/XX/2020]

20.7.11.4 DURATION: Permanent.

[20.7.11.4 NMAC - Rp, 20.7.11.4 NMAC, XX/XX/2020]

20.7.11.5 EFFECTIVE DATE: XXXXXXXX XX, 2020, unless a later date is cited at the end of a section.

[20.7.11.5 NMAC - Rp, 20.7.11.5 NMAC, XX/XX/2020]

20.7.11.6 OBJECTIVE: The objective of this rule is to provide for liquid waste treatment and disposal fees for the administration of the state liquid waste regulations. The purpose of the state liquid waste treatment and disposal program is to protect the health and welfare of present and future citizens of New Mexico by providing for the prevention and abatement of public health hazards and surface and ground water contamination from on-site liquid waste disposal practices.

[20.7.11.6 NMAC - Rp, 20.7.11.6 NMAC, XX/XX/2020]

20.7.11.7 DEFINITIONS:

A. Unless otherwise defined in this part, the words and phrases used in this part have the same meanings as in 20.7.3.7 NMAC, Liquid Waste Disposal.

B. As used in this part:

(1) "advanced treatment" means any process of wastewater treatment that removes a greater amount of contaminants than is accomplished through primary treatment. Advanced treatment may include physical or chemical processes;

(2) "advanced treatment system" means a method or technology implemented to achieve advanced treatment;

(3) "alternative disposal" means any approved, on-site liquid waste disposal method used in lieu of, including modifications to, a conventional disposal method;

(4) "alternative disposal system" means a method or technology implemented to achieve alternative disposal;

(5) "alternative system" means any on-site liquid waste system utilizing a method of liquid waste treatment and disposal used in lieu of a conventional system, including modifications that is recognized and allowed by Liquid Waste Disposal and Treatment, 20.7.3 NMAC (9/1/13 as amended through 9/15/14).

(6) **"commercial unit"** means a structure that is not a residential unit but which has sewage producing fixtures such as sinks, baths, showers, toilets, urinals, dish- and clothes-washers or floor drains for receiving liquid waste including but not limited to uses included in Subsection Q of 20.7.3.201 NMAC, Table 201.1;

(7) **"conventional system"** means an on-site liquid waste system consisting of a septic tank or a subsurface soil absorption system with gravity distribution of the effluent constructed in accordance with the standards set forth in 20.7.3 NMAC including privies, holding tanks and vaults;

(8) **"gpd"** means gallons-per-day;

(9) **"hazard to public health"** means the indicated presence in water or soil of biological, chemical or other contaminants under such conditions that could adversely impact human health, including without limitation surfacing liquid waste, damage to a domestic water supply source, presence of a cesspool or an open tank, or exposure of liquid waste or septage in a manner that allows possible transmission of disease;

(10) **"large system"** means any liquid waste treatment or disposal system that receives, or is designed to receive, more than 2,000 gpd but not more than 5,000 gpd;

(11) **"notice of non-approval"** means notification that inspection of a permitted liquid waste system is not in compliance with 20.7.3 NMAC;

(12) **"on-site liquid waste system"** means a liquid waste system, or part thereof, serving a dwelling, establishment or group, and using a liquid waste treatment unit designed to receive liquid waste followed by either a soil treatment or other type of disposal system; on-site liquid waste systems include enclosed systems and privies but do not include systems or facilities designed to receive or treat mine or mill tailings or wastes;

(13) **"septic tank"** means liquid waste treatment units designed to provide primary treatment and anaerobic treatment prior to disposal;

(14) **"small system"** means any liquid waste treatment and disposal system that receives, or is designed to receive, no more than 2,000 gpd.

[20.7.11.7 NMAC - Rp, 20.7.11.7 NMAC, XX/XX/2020]

20.7.11.8 PERMIT FEES: Payment of permit fees are due prior to the issuance of a permit meeting all the requirements of 20.7.3 NMAC.

A. Fees for permits to register, construct, or modify a conventional system of a specified design flow. The fee for a system designed for:

- (1) zero gpd up to 1,000 gpd is \$225.00;
- (2) 1,001 gpd up to 2,000 gpd is \$325.00;
- (3) 2,001 gpd up to 5,000 gpd is \$500.00;

B. Fees for permits to register, construct or modify an alternative system or advanced treatment system of a specified design flow. The fee for a system designed for:

- (1) zero gpd up to 1,000 gpd is \$450.00;
- (3) 1,001 gpd up to 2,000 gpd is \$550.00;
- (5) 2,001 gpd up to 5,000 gpd is \$750.00;

C. Annual operating permit fees:

(1) The annual operating permit fee for:
(a) an alternative system or advanced treatment system is \$50.00;
(b) a holding tank system or, a split flow system with a holding tank, excluding alternative systems and advanced treatment systems is \$30.00.

D. Application of annual operating permit fees: The annual operating permit fees will apply to the following:

- (1) alternative disposal systems, advanced treatment systems, and holding tank systems installed after the effective date of this rule;
- (2) alternative disposal systems, advanced treatment systems, and holding tank systems modified after the effective date of this rule; and
- (3) alternative disposal systems, advanced treatment systems, and holding tank systems subject to transfer of ownership after the effective date of this rule.

E. Term of annual operating permits; non-transferability:

(1) Annual operating permits are issued for a period of 12 consecutive months from the date of issuance, and expire on the last day of the anniversary month in which the permit was issued.

- (3) Annual operating permits are non-transferrable.

F. Consumer Price Index: On February 1, 2021, all fees shall be adjusted to reflect the increase, if any, by which the consumer price index for the most recent year exceeds the consumer price index for the previous year. Thereafter, all fees shall be adjusted every two years on February 1 to reflect the increase, if any, by which the consumer price index for the most recent year exceeds the consumer price index of two years prior. The amount of the change in the fee shall be determined by multiplying the existing fee by the change in the consumer price index and rounding the result to the nearest dollar. The consumer price index for any year is the average of the consumer price index for all-urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August 31 of the previous year. No fee can exceed the average fee for the surrounding jurisdictions as determined by the latest report on contiguous state fees published by the department. [20.7.11.8 NMAC - Rp, 20.7.11.8 NMAC, XX/XX/2020]

20.7.11.9 QUALIFICATION CERTIFICATE FEES: If a qualification certificate is requested as provided for in 20.7.3.904 NMAC, a fee as indicated in subsections A through F of this section shall be submitted upon issuance of the qualification certificate in addition to any associated permit fee required in 20.7.11 NMAC. The fee for a qualification certificate for:

- A.** a qualified homeowner is \$100.00;
- B.** a third-party evaluator is \$50.00;
- C.** a maintenance service provider is \$50.00;
- D.** a septage pumper is \$30.00;
- E.** an installer specialist is \$150.00;
- F.** renewal for an installer specialist is \$75.00

[20.7.11.9 NMAC - N, XX/XX/2020]

20.7.11.10 SEPTAGE PUMPING TRUCK ANNUAL REGISTRATION FEE: Effective July 1, 2020, the annual fee for registration of a septage pumping truck is \$30.00.

[20.7.11.10 NMAC - N, XX/XX/2020]

20.7.11.11 PROPERTY TRANSFER REPORT FILING FEE: The fee for filing a property transfer report is \$50.00.

[20.7.11.11 NMAC - N, XX/XX/2020]

20.7.11.12 SEPTIC TANK MANUFACTURER CERTIFICATION FEE: The annual fee for the certification/re-certification of septic tank designs as required in 20.7.3 NMAC is \$150.00.

[20.7.11.12 NMAC - Rp, 20.7.11.9 NMAC, XX/XX/2020]

20.7.11.13 RE-INSPECTION FEE: If a site inspection results in an issuance of a notice of non-approval, a fee of \$125.00 shall be assessed for the re-inspection of the system. The re-inspection fee shall be remitted to the department prior to a subsequent inspection being conducted.

[20.7.11.13 NMAC - Rp, 20.7.11.10 NMAC, XX/XX/2020]

20.7.11.14 VARIANCE FEE: If a variance is requested as provided for in 20.7.3 NMAC, a fee of \$100.00 for small systems and \$250.00 for large systems shall be submitted upon issuance of the variance in addition to the permit fee required in 20.7.11.8 NMAC above.

[20.7.11.14 NMAC - Rp, 20.7.11.11 NMAC, XX/XX/2020]

20.7.11.15 PAYMENT OF FEES:

- A.** The department shall not issue a permit, variance or tank design certification until payment is received by the department. The fees required in this part are non-refundable.
- B.** All fees shall be remitted to the department, payable to the environment department liquid waste fund. All fees collected pursuant to this part shall be transmitted to the state treasurer for deposit in the liquid waste fund.

[20.7.11.15 NMAC - Rp, 20.7.11.12 NMAC, XX/XX/2020]

20.7.11.16 LIQUID WASTE DISPOSAL SYSTEM ASSISTANCE FUND: Pursuant to Section 74-1-15.1 NMSA 1978, the liquid Waste disposal system assistance fund will be funded annually with \$40.00 from each

permit issued pursuant to subsections A and B of Section 8 of this part, up to a maximum of \$200,000.00.[20.7.11.16 NMAC - N, 20.7.11.13 NMAC, XX/XX/2020]

20.7.11.17 APPLICABILITY:

- A. The requirement for payment of the permit application fee shall apply only to those applications received on or after the effective date of this part.
- B. The annual tank certification fee shall apply on or after the effective date of this part. The annual fee shall be received by the department no later than January 1 of each year.
- C. The requirements concerning payment of a re-inspection fee shall apply only to those re-inspections occurring on or after the effective date of this part.
[20.7.11.17 NMAC - Rp, 20.7.11.13 NMAC, XX/XX/2020]

20.7.11.18 PERIODIC REVIEW: In order for the environmental improvement board to fulfill its obligation to establish onsite liquid system fees in accordance with Paragraph (3) of Subsection A of Section 74-1-8, NMSA 1978, the department shall provide information by January 15th of each year to the environmental improvement board as follows:

- A. liquid waste fund revenues for the previous fiscal year;
- B. liquid waste fund expenditures for the previous fiscal year:
 - (1) personal services and benefits;
 - (2) contracts;
 - (3) other costs;
 - (4) indirect;
- C. external audit report for the previous fiscal year;
- D. current fiscal year budget for field operations bureau approved by the department of finance and administration and the legislative finance committee;
- E. report on contiguous states' fees:
 - (1) for Arizona, Oklahoma and Texas: report of state program fee schedules (although some Texas counties have their own fee schedules);
 - (2) Colorado and Utah: report of fee schedule for each county or health district;
- F. performance measures report for previous fiscal year;
- G. copy of liquid waste annual strategic plan;
- H. copy of training plan, if any, for the upcoming year.

[20.7.11.18 NMAC - Rp, 20.7.11.14 NMAC, XX/XX/2020]

20.7.11.19 COMPLIANCE WITH OTHER REGULATIONS: Compliance with this part does not relieve a person of the obligation to comply with other applicable state and federal regulations.

[20.7.11.19 NMAC - Rp, 20.7.11.15 NMAC]

20.7.11.20 CONSTRUCTION: This part shall be liberally construed to implement the purpose of the act.

[20.7.11.20 NMAC - Rp, 20.7.11.16 NMAC, XX/XX/2020]

20.7.11.21 SEVERABILITY: If any provision or application of this part is held invalid, the remainder shall not be affected.

[20.7.11.21 NMAC - Rp, 20.7.11.17 NMAC, XX/XX/2020]

HISTORY of 20.7.11 NMAC:

History of Repealed Material:

20.7.11 NMAC, Liquid Waste Treatment and Disposal Fees (filed 12/20/2001) replaced by 20.7.11 NMAC, Liquid Waste Treatment and Disposal Fees, effective XX/XX/2020.