



# New Mexico Environment Department

**Water Protection Advisory Board Presentation**  
**Michael Broussard, Acting Liquid Waste Program Manager**  
**Environmental Health Bureau**  
**January 8, 2021**

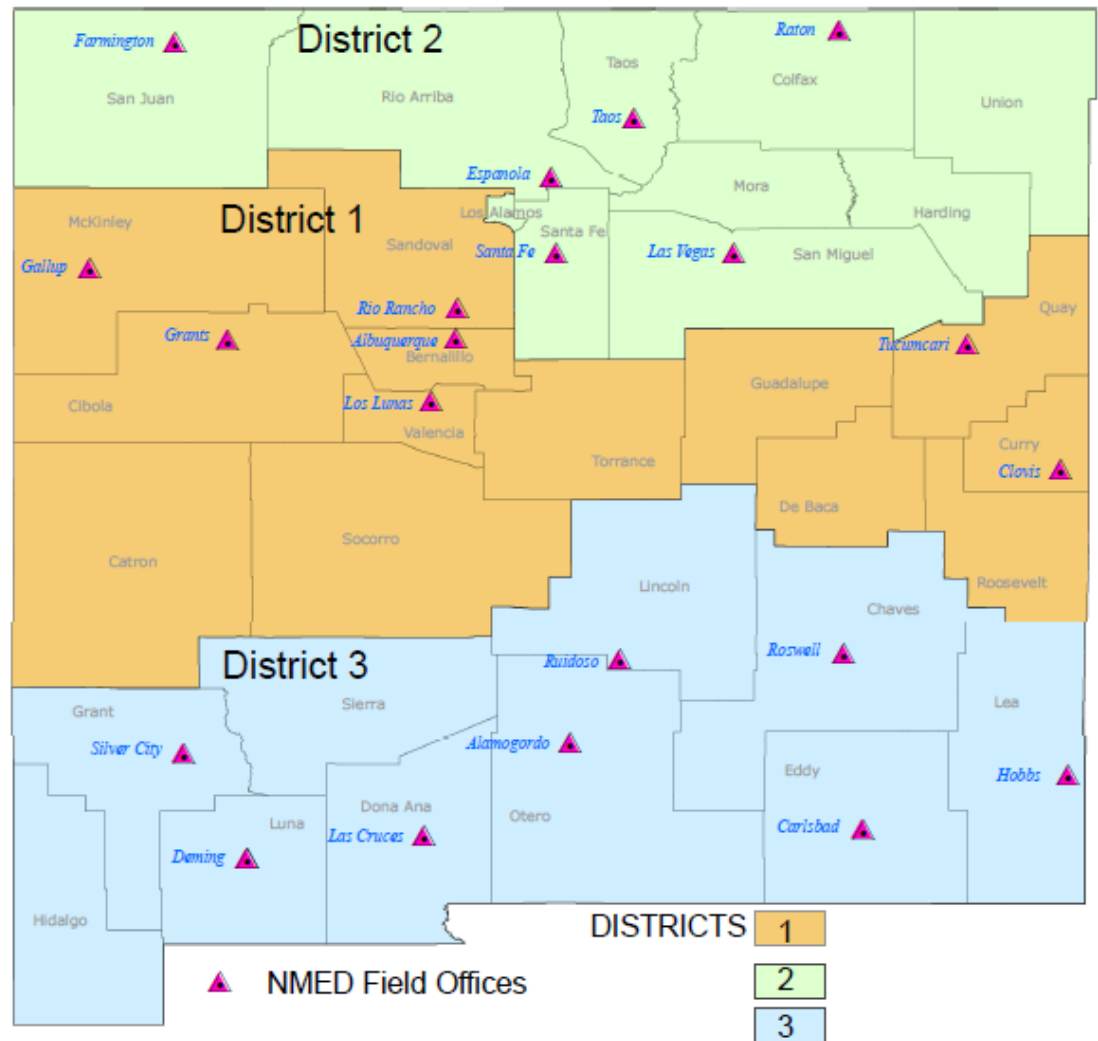
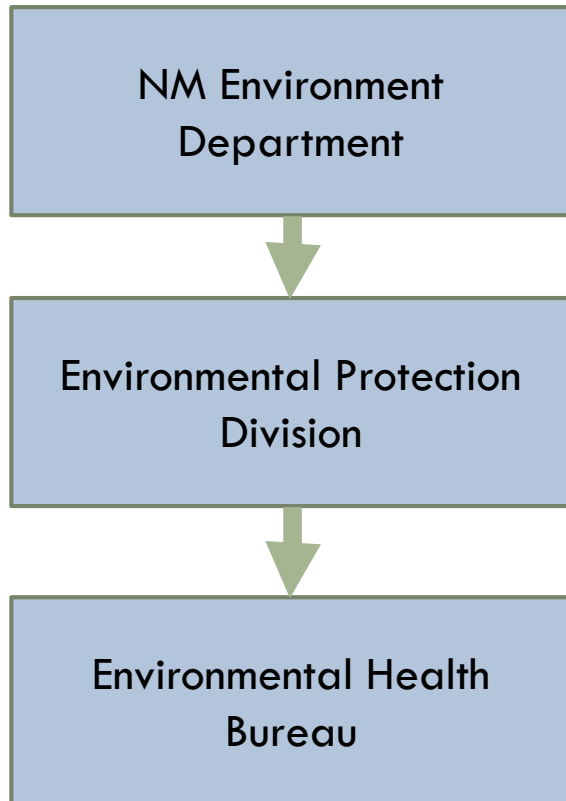






# Liquid Waste Program

## □ Organization





# Program Mission

- 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.**



# Recent Changes, Indigent Fund

- Funding Liquid Waste Assistance Fund with \$40 form each permit to construct or modify a system.
  - Limited to \$200,000 annually from fees.
  - Account can grow with interest.
  - Account is held with State Treasurer
  - Seeking additional funding sources, grants.





# Indigent Fund Draft

- ❑ Modeled after Bernco PIPE Program, in draft now
- ❑ Use, by statute
  - ▣ Onsite system, conventional or alternative
  - ▣ Cluster systems
  - ▣ Sewer connections
- ❑ Only where NMED has jurisdiction





# Recent Changes, Fee Increase

- Increased fees
  - ▣ Permit to construct or modify conventional and alternative systems
  - ▣ Variances
  - ▣ Re-inspections





# Recent Changes, New Fees

## □ New fees

- Qualifications for liquid waste professionals, \$30-\$150
- Qualification for homeowners, \$170
- Unpermitted system Inspections, \$250



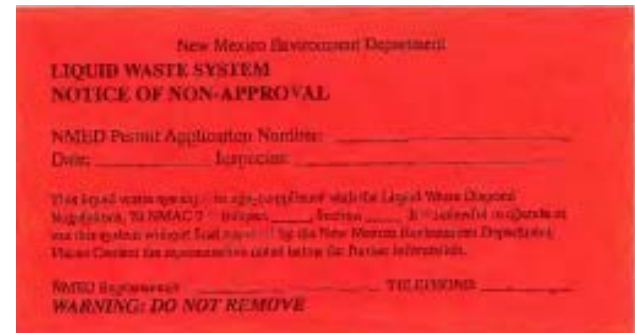
- Septage Pump Truck  
Annual Registration, \$30
- Annual Operating Permit  
Renewals for
  - Alternative systems, \$50
  - Holding Tanks, \$30





# Voluntary Compliance vs. Enforcement

- Seek to focus formal enforcement efforts where systems pose an imminent or immediate threat or hazard to public health or the environment (IITHPE)
- Seek voluntary compliance first
- NOV, ACO, CO, Fines
  - \$100 residential
  - \$1000 commercial
- 2018 fined septage pumper \$5,000 for illegal dumping.







# Principles of Protection

- ❑ Permitted compliant system designs and proper installation is the goal.
- ❑ Failing systems represent an immediate or imminent threat or hazard.
- ❑ Non-compliant designs are a potential threat, typically, unpermitted systems.
- ❑ Non-compliant designs, not meeting setbacks to ground water and waters of the state are an immediate threat. Require immediate corrective action.





# Protective Measures...

- ❑ Setbacks to waters of the state, drainage systems
- ❑ Clearance to ground water
- ❑ Minimum lot sizes for discharge flows, maximum of 500 gdp per acre.
- ❑ Setback between systems to lower discharge density, Radii Rule\*
- ❑ More stringent on commercial systems
- ❑ Commercial systems are very susceptible to failure
  - Mobile Home and RV Parks, Food Service Establishments, high strength waste streams.



# Property Transfer Evaluations 2005

- Most significant tool to protect the environment and public health since regulations were enacted 1973.
- Drives more modifications, finds illegal cesspools and other non-compliant unpermitted systems.
- Many jurisdictions throughout the country are moving towards transfer evaluations.
- Colorado enacted the requirement last year and about 10 of 63 counties are not prepared to enact.



# Challenges

- Installing in flood plains
  - FEMA rules have precipitated changes in some counties.
  - NMED has no prohibition, recommend where possible, to position outside of flood plain
  - Tanks must be anchored properly or neutrally buoyant.
  - Systems in flood plains are not viewed as an imminent or immediate threat when properly designed.
- Sewer connection requirements are dictated by AHJ







# Challenges, continued

- ❑ Improperly developed properties, no building permit, not meeting zoning requirements.
- ❑ Rental properties, w/ non-resident owners.
- ❑ Failing systems, enforcement.
- ❑ Illegal septage dumping
- ❑ Air B and B's
- ❑ Family or neighborhood squabbles.
- ❑ Short Staffed





# Plans



U.S. Environmental Protection Agency

[www.epa.gov/septicmart](http://www.epa.gov/septicmart)



- ❑ Public outreach, Septic Smart Program.
- ❑ Reg changes.
- ❑ Fee reg change to fund training of staff and industry.
- ❑ Professional development program.
- ❑ Online training and testing.
- ❑ Online permitting and payments.



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