



**New Mexico Environment Department
Liquid Waste Program
Certification Requirements
December 5, 2008 DRAFT**



Pursuant to Liquid Waste Regulation 20.7.3.904 NMAC, the New Mexico Environment Department (NMED) hereby implements the following Liquid Waste Certification Program to be effective July 1, 2009.

I. Qualified Homeowner

- A. A Qualified Homeowner is a person who has been issued a homeowner installation training manual and who has passed an exam administered by NMED.
- B. Homeowner training manuals and opportunities for exams shall be available at all 22 NMED Field Offices.
- C. A Qualified Homeowner may apply for a permit to install or modify a conventional on-site liquid waste treatment and disposal system serving their primary residence in accordance with 20.7.3.401.C NMAC.
- D. A Qualified Homeowner shall not be allowed to install or modify an on-site liquid waste system serving a rental unit or other property that is not the Qualified Homeowner's primary residence.
- E. Certification as a Qualified Homeowner shall be valid for one year, or longer as approved by NMED for good cause shown.
- F. A Qualified Homeowner may install no more than one liquid waste system during each twelve month period.

II. Site Evaluator/System Designer

- A. A Site Evaluator/System Designer is any person, other than a Qualified Homeowner, who is certified by NMED to evaluate site conditions and design a liquid waste system that is appropriate for the site conditions and that complies with 20.7.3 NMAC.
- B. Certification as a Site Evaluator/System Designer shall be based on either:
 - 1) Qualification as an Installer (as defined in Section IV below) and submission to NMED of documentation of completion of a minimum of eight hours of NMED-approved continuing education during the past year;
 - 2) Qualification as a Professional Engineer with a specialty sub-discipline of on-site wastewater engineering;
 - 3) Qualification as a Registered Sanitarian (RS) or Registered Environmental Health Sanitarian (REHS);
 - 4) Certification by the National Environmental Health Association (NEHA) as an installer of onsite wastewater treatment systems; or
 - 5) Demonstration of a combination of training and experience as approved by NMED.
- C. Certification as Site Evaluator/System Designer shall be valid for three years.
- D. To renew certification, including an expired certification, a Site Evaluator/System Designer shall provide NMED with documentation of completion of 24 hours of NMED-approved continuing education during the past three years.

III. Liquid Waste Permit Applicants

- A. In addition to the permit applicant or their authorized representative, Liquid Waste Permit applications must be co-signed by a Site Evaluator/System Designer, except for permit applications submitted by a Qualified Homeowner.

IV. Installer

- A. An Installer is any person who holds a valid and appropriate classification of contractor's license issued by the New Mexico Construction Industries Division for the construction of an on-site liquid waste system.
- B. No person shall construct, install or modify an on-site liquid waste system unless that person is an Installer or a Qualified Homeowner.

V. Installer Specialist

- A. An Installer, as defined in Section IV above, who also meets the qualifications specified in Section V.B below, may apply to NMED for certification as an Installer Specialist 1 or 2. The Installer Specialist 1 designation shall apply to gray water systems and conventional treatment and disposal systems. The Installer Specialist 2 designation shall apply to all types of on-site liquid waste systems.
- B. Installer Specialist qualifications:
 - 1) The Installer shall provide NMED with documentation of at least 10 years of experience in the installation of on-site liquid waste systems, six years of which shall be experience as an Installer with a valid contractor's license. For Installer Specialist 2, three of the ten years of experience shall include the installation of advanced treatment systems.
 - 2) The Installer shall have no criminal convictions pursuant to NMSA 1978, Section 74-1-10, and shall not have not been issued a Compliance Order within the past 5 years for any violation of 20.7.3 NMAC. Compliance Orders that have been appealed and dismissed by the secretary shall not be grounds for disqualification as Installer Specialist.
 - 3) For qualification as Installer Specialist 1, the Installer shall provide NMED with documentation of completion of 48 hours of NMED-approved continuing education during the past 3 years.
 - 4) For qualification as Installer Specialist 2, the Installer shall provide NMED with documentation of completion of 60 hours of NMED-approved continuing education during the past 3 years.
- C. Installer Specialists may have a system installation, modification or repair given final approval by NMED based on submission to NMED of as-built documentation provided that:
 - 1) The Installer Specialist notifies NMED orally or in writing at least two working days prior to completion of the installation. NMED may inspect the system as it deems appropriate;
 - 2) The Installer Specialist completes and signs an installation documentation form provided by NMED for new and modified systems;
 - 3) The Installer Specialist takes photographs that accurately identify the site and features of the installation;
 - 4) The Installer Specialist submits electronically to NMED copies of the signed installation documentation form and site photographs within five working days after completion of the installation; and
 - 5) The Installer Specialist performs the installation in compliance with 20.7.3 NMAC.

- D. NMED may conduct random inspections of systems installed by Installer Specialists.
- E. Certification as Installer Specialist shall be valid for three years.
- F. To renew certification, an Installer Specialist 1 shall provide NMED with documentation of completion of 48 hours of NMED-approved continuing education during the past three years, and an Installer Specialist 2 shall provide NMED with documentation of completion of 60 hours of NMED-approved continuing education during the past three years. Installer Specialist 1 and Installer Specialist 2 must also meet all other qualifications in Section V.B above for renewal of certification.

VI. Third Party Inspector

- A. Inspections of liquid waste systems prior to property transfers are required by 20.7.3.902 NMAC. Unpermitted systems are inspected by NMED. Inspections of permitted systems are performed by a Third Party Inspector.
- B. Certification as a Third Party Inspector shall be based on either:
 - 1) Qualification as an Installer and as a Site Evaluator/System Designer;
 - 2) Qualification as a Professional Engineer with a specialty sub-discipline of on-site wastewater engineering;
 - 3) Accreditation in Onsite Wastewater Inspection by the National Sanitation Foundation (NSF);
 - 4) Certification by the National Environmental Health Association (NEHA) as an installer of onsite wastewater treatment systems; or
 - 5) Demonstration of a combination of training and experience as approved by NMED.

VII. Maintenance Service Provider for Advanced Treatment Systems

- A. Maintenance Service Providers shall comply with 20.7.3.903 NMAC.
- B. Manufacturers of approved advanced treatment systems shall provide training and certification for Maintenance Service Providers of their systems at least once per year. Members of the Education Steering Committee and representatives of NMED may audit training classes provided by manufacturers for the purpose of evaluating the training provided.
- C. Maintenance Service Providers for “orphan” advanced treatment systems shall be qualified by NMED on a case-by-case basis.

VIII. Professional Engineer with Specialty Sub-Discipline of On-Site Wastewater Engineering – NMED shall recognize certification by the State Board of Licensure for Professional Engineers and Professional Surveyors pursuant to 16.39.3.8.F NMAC.

IX. Suspension, Revocation and Denials

- A. NMED, at any time, may suspend or revoke a certification for cause to include fraud, misrepresentation, failure to provide required documentation, failure to provide service in accordance with the certification, or failure to comply with 20.7.3 NMAC. In the case of the professional engineering specialty sub-discipline of on-site wastewater engineering NMED may make a recommendation for suspension or revocation to the State Board of Licensure for Professional Engineers and Professional Surveyors. In the case of a licensed contractor NMED may make a recommendation for suspension or revocation to the New Mexico Construction Industries Division. Suspension or revocation shall be by issuance of an Order.

- B. NMED may deny certification if it determines that an applicant does not meet all eligibility requirements set forth above.
- C. Any person who desires to appeal a suspension, revocation or determination of ineligibility may appeal to the secretary. An appeal is initiated by submitting a request for a hearing. The request for a hearing must be in writing and made no later than thirty (30) days after notice of the action (i.e. an Order suspending or revoking certification) is served. Upon such request, the secretary shall conduct a hearing pursuant to the adjudicatory procedures outlined in 20.1.5 NMAC.

X. Education Steering Committee

- A. The secretary shall appoint an education steering committee in accordance with § 9-7A-10 NMSA. The committee shall consist of three Installers from different geographic areas of the state, one faculty member from a university or college located within New Mexico and with a minimum of ten years of work or academic experience in on-site wastewater treatment and disposal, one representative from the New Mexico Homebuilder's Association, one representative of the Construction Industries Division, and one member of NMED.
- B. The committee shall establish internal procedures, practices and policies governing the official committee's activities.
- C. The committee shall identify training classes, professional conferences, workshops and other educational opportunities, regardless of whether or not the organization requests consideration, and make recommendations to the NMED Secretary for continuing education credit.
- D. NMED or any educational institution, proprietary school, professional organization, internet-based training provider, Installer Specialist, liquid waste system manufacturer or business with expertise in liquid waste may submit a training class or program to the committee for consideration. The committee shall review the qualifications of the proposed providers and the proposed training content and make recommendations to the secretary for approval for continuing education credit. Recommendations shall include a summary of the content of the training and the qualifications of the trainer.
- E. The committee shall meet semi-annually or as required.

XI. Education Opportunities – NMED shall maintain a list of approved continuing education opportunities approved by the secretary on the Liquid Waste Program webpage.