STATE OF NEW MEXICO
BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS
AND SURVEYORS

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BILL RICHARDSON
GOVERNOR

DEC 2 4 2003

December 15, 2003

Mr. Jerry Schoeppner, Chief
Ground Water Quality Bureau
Environment Department
Harold Runnels Building
P.O. Box 26110
Santa Fe, NM 87502-6110

Dear Mr. Schoeppner:

This is in response to your letter of October 30, 2003. The Professional Engineering Committee of the Board reviewed your letter and its Exhibits 1-6 during the Committee's meeting of November 6, 2003.

It is our understanding that the Ground Water Quality Bureau is responsible for issuing discharge permits and enforcing regulations on domestic, industrial, mining and agricultural discharges that have the potential to impact the quality of the State's ground water resources. You indicated in your letter that the Department's regulations do not specify whether or not plans, specifications and supporting calculations for wastewater systems be certified by a New Mexico professional engineer. Perhaps this is one reason why the wide spectrum of quality and contents that the submittals received by your Bureau seem to have. We will be happy to comply with your request regarding the correlation between the Board's understanding of what constitutes engineering work, which according to the statutes requires the intervention of a registered engineer.

I summarize below our response to your various items regarding domestic, industrial, mining and agricultural discharges, as well as those related to large capacity (flows>2,000 gpd) septic tank and infiltration systems.

1. Design and supporting calculations (e.g. sizing, slopes) for wastewater storage, treatment and disposal systems are considered to be under the jurisdiction of the NM Engineering and Surveying Practice Act (Act) and do require to be certified as performed by or under the direct supervision of a New Mexico licensed professional engineer.

2. Although the New Mexico Engineering and Surveying Practice Act under Section 61-23-3 E states *"....The 'practice of engineering' does not include responsibility for the supervision of construction, site conditions, operations, equipment, personnel or the maintenance of safety in the work place;..."* professional engineers may provide these services as required by contractual obligations. Construction oversight may be completed by trained inspectors. The certification of as-built drawings implies the modification of engineering drawings, and should be considered engineering work. For the protection and safety of the public, it seems to me and my fellow members that the Department should ensure that all wastewater treatment systems are designed by professional engineers and constructed in accordance to the approved engineering plans. This can be accomplished by requiring submission of as-built drawings certified by a New Mexico licensed PE.
3. Pre-manufactured "package treatment plants" to be installed on a lot or integrated into a larger wastewater treatment and disposal system, should be certified by a PE. Obviously all off the shelf treatment systems have been pre-engineered prior to being marketed, and therefore, certified by a licensed PE -though not necessarily a New Mexico PE- at some point or another. However, putting together a number of pre-engineered parts into the design of a new treatment facility should be performed by a NM PE, so that the site-specific applicability of all systems is taken into account.
4. Federal agencies do not have any special privileges or exemptions under the Act. As you may know, the federal exemption was removed out of the New Mexico Engineering and Surveying Practice Act during the 2nd Session of the 43rd Legislature, Laws of 1998. While there may be federal law which exempts "employees" of the federal government, the board is of the opinion that contractors and sub-contractors to the federal government must be New Mexico licensed professional engineers in order to provide services to the federal government on, or off, federal premises. Federal employees also may not provide engineering services outside their federal employment if they are not licensed PEs in New Mexico.

I hope our response addresses all of your concerns on this matter. If we may be of further assistance, do not hesitate to contact our executive director, Elena Garcia at 827-7546.

Sincerely,

Subhas Shah, PE
Chairman, Professional Engineering Committee