NEW MEXICO HOME BUILDERS ASSOCIATION

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Affiliated National Association
National Association of Home Builders

Gay Dillingham, Chairperson
New Mexico Environmental Improvement Board
1190 St. Francis Dr. Room N-4075
Santa Fe, NM 87502

Dear Ms. Dillingham:

Representatives of New Mexico Home Builders Association (NMHBA) participated in the 2006 modification of the Liquid Waste Disposal Regulations (LWDR), and have an interest in their performance in the field. We have become aware of a three places where the regulations need to be modified for the benefit of field offices and the public alike.

New Mexico Environment Department Division (NMED) Environmental Health Division reconvened the LWDR advisory group to discuss remedies for troublesome points in the 2005 major revision. NMED decided to make a modest revision in the "replacement area" section of the regulations, but not as comprehensive as NMHBA would like. The second point of concern was the lack of description for "elevated" systems in the regulations, and time constraints did not allow for NMED to develop language. Finally, there are problems with the current inspection port requirements, and consensus could not be reached by the advisory group on the best "fix."

NMHBA would like to see the requirement for set-aside **replacement areas** for drain fields removed. This was a requirement in the old Uniform Plumbing Code, and it no longer serves its original purpose. Installers have informed NMED, and their own field staff agree, that when an drain field fails, the most common method of repair is to totally remove the old drain field and its sub-soil, and replace it with fresh soil, gravel, and pipe (or new alternative materials) in the same place as the original field. In most cases there are obstructions in the replacement area, and it is no longer available to the installer by the time it was eventually needed. In most instances, replacement of the drain field area is not required.

On the second point of **elevated systems**, NMHBA would like to submit the following language into the draft LWDR as it is put forward for public comment:

Definition: "elevated system" means a system installed either partially or completely above grade in a constructed fill area for the purpose of meeting clearance to a limiting layer.

We are proposing to add language in section 20.7.3.807 with "MOUND SYSTEMS":

20.7.3.807 MOUND AND ELEVATED SYSTEMS:

A. Mound systems shall meet the requirements of 20.7.3.302 NMAC.
B. Mounds are generally constructed entirely above the surrounding ground surface, however, the mound may be partially buried.
C. The design of the mound system shall be in accordance with the most current design standards of the Wisconsin mound system.
D. Pressure distribution to the mound shall be required.
E. An elevated system shall meet the requirements of 20.7.3.302 NMAC.
F. Elevated systems may be constructed entirely above the surrounding grade, or partially buried, as site conditions require.
G. The elevated system must be installed in accordance with a proven design method and approved by the department.

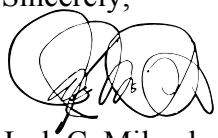
The problem with the current **inspection port** requirement is mainly one of durability. Current regulations for plastic tubes require their installation extend above grade so inspectors can easily spot the ports. Problems arise when these plastic tubes are run over or run into by construction equipment either during the construction of the residence, or during later installation of landscaping. The ports are easily broken, and it would be a great benefit if they could be installed below grade. One alternative discussed was allowing the ports to be below grade if they were encased in a box similar to those used for landscape sprinkler valves. To allow this, NMHBA would like the following language modification incorporated for public comment:

DESIGN; CONVENTIONAL DISPOSAL FIELD; DESIGN AND CONSTRUCTION:
(207.3.701.D)

D. Capped inspection ports shall be constructed, at a minimum, of 4 inch diameter, SDR 35 or better pipe installed at the end of each trench, provide inspection access to the bottom of the trench and terminate at finished ground level. Inspection ports may be installed below grade if located in a protective enclosure and locatable with GPS coordinates or a metal detector.

Dennis McQuillan, Brian Schall, and Tom Brandt addressed many of our concerns in a professional manner with cooperative attitudes. Their involvement in this process has resulted in many improvements to the draft regulations, and these NMHBA submittals should in no way reflect negatively on their work. NMHBA appreciates the opportunity to participate in the review process for the Liquid Waste Disposal Regulations.

Sincerely,



Jack C. Milarch, Jr.
Executive Vice President & CEO
New Mexico Home Builders Association

cc: Dennis McQuillan, NMED FOD