

## Minutes WTAC 20 December 2019 Meeting

### WTAC Members Present

Terry Mount (Vice-Chair)  
Don Becker  
Loren Allen

### WTAC Members Absent

Andy Schuler (Chair)  
Dan Boivin

### Others in Attendance

Chris Vigil (NMED-OGC)  
Michael Broussard (NMED-EHB)  
Steve Pedro (NMED-EHB)  
John Ferdetta  
Kyle McCutcheon

### Item 1. Roll Call

Vice Chair Mount called the meeting to order at 9:35 AM  
Roll called by Vice Chair Mount. All WTAC members present or absent as noted above.  
Quorum present to proceed with meeting.

### Item 2. Approval of Agenda

Vice Chair Mount requests the agenda be approved as published. Loren Allen seconded the motion. All members voted in favor to approve the agenda.

### Item 3. Approval of the minutes from October 11, 2019 WTAC Meeting

Don Becker moved that the minutes be approved. Loren Allen seconded the motion. All members voted in favor to approve the minutes.

### Item 4. Proposed Fee Changes: NMED seeks the WTAC's comments concerning the Liquid Waste Program's proposed fee changes in 20.7.11 NMAC

Michael Broussard of the NMED-EHB Liquid Waste Program provided the WTAC and members in attendance with an overview of the eight public meetings held throughout the State to discuss the proposed changes to the Liquid Waste permitting fees schedule. Public meetings were held across the State from October 28, 2019 to December 3, 2019. Mr. Broussard mentioned that each of the public meetings went well, however attendance by stakeholders and the public were poorly attended at each of the public meeting sites. Proposed permitting and service fees by the NMED-EHB Liquid Waste Program are attached to these meeting minutes (see attachment). The proposed fee structure was developed in comparison to matching fees to neighboring States and local jurisdictions (Counties) surrounding the State of New Mexico to derive a fee. In addition to the permitting fee structure, the NMED-EHB Liquid Waste Program also developed and proposed fees for services that the Bureau performs such as assessing fees for: Property Transfer Evaluation Filing Fee; Homeowner Qualification Certification; Installer

Specialist Certification Approval/Renewal; Maintenance Service Provider Qualification Certification; Septage Pump Annual Registration/Renewal; Third Party Evaluator Qualification Certification; and Liquid Waste Variance Application Fee (see attachment). Mr. Broussard also discussed the Liquid Waste Program's recommendation to assess and modify fee increases using the Consumer Price Index (CPI) on a two-year rotational period.

After completing the overview discussion of the proposed fee schedule, Mr. Broussard informed the WTAC that the final fee schedule proposal to include the two-year CPI review cycle will be presented to the Environmental Improvement Board (EIB) Hearing in February 2020. "Since 2002, the NMED-EHB Liquid Waste Program has not assessed fee increases or changes." Mr. Broussard requested of the WTAC members to offer comments and suggestions on the proposed fee schedule and the CPI review cycle.

Questions and answers:

Mr. Don Becker suggested that the NMED-EHB Liquid Waste Program conduct a CPI review cycle of three years rather than two years. Mr. Becker speculates that NMED may struggle with keeping up with the fee changes using the two-year CPI review. "Currently there are 19 new fees being proposed and the two-year CPI review may be difficult to keep up with given the limited personnel of the Liquid Waste Program unless the Department hires someone specifically to keep up with CPI reviews." Mr. Broussard responded that the two or three year CPI review will be discussed between NMED-EHB Management and NMED General Counsel and will be presented to the EIB at the February 2020 Hearing.

Mr. Broussard presented an overview of assessing a fee for a Liquid Waste Permit Renewal for an Advanced Treatment System (ATS). "According to data generated from 22 field offices throughout the State, there are approximately 12,000 existing permitted ATS permits and NMED plans to invoice all ATS permitted systems for permit renewal." Mr. Becker asked how many existing ATS Liquid Waste Permits are in compliance? Mr. Broussard responded that approximately 5% are in compliance with their current permits and mentioned that the issue NMED may be faced with is the invoicing and collection of fees to the current 12,000 existing permits. Mr. Loren Allen suggested that the Department hire someone specific to oversee the invoicing and collection of fees as a full-time employment position.

Ms. Terry Mount suggested that the proposed new fee schedule include a WTAC Product Review Fee for ATS's seeking product approval in the State of New Mexico. Ms. Mount recommended that a fee be imposed due to the commitment of people seeking approval of products and the excessive amount of time for review and approval. Additionally, "regarding NSF approved products, the WTAC requests additional information for scaling up due to higher elevations of New Mexico due to the current NSF approved products being evaluated at lower elevations or at sea level. Mr. Becker also backed Ms. Mounts recommendation to assess a WTAC product review fee and suggested that NMED-EHB contact neighboring states to get a general fee assessment for similar Product Review Fees used in neighboring States and/or their local jurisdictions. Mr. Allen requested the WTAC Product Review Fee be assessed based on the design flow size of the system (product) such as a structure fee example of 0-500 gallons per day (gpd), 1,000-2,000 gpd, and 2,000-5,000 gpd. Mr. Broussard responded that the WTAC Product

Review Fee was originally considered during fee development, however it was removed. Mr. Broussard requested of the WTAC to offer suggestions for imposing a fee rate. Mr. Allen suggested utilizing the State of Arizona's fee assessment of charging man hour review time. Ms. Mount suggested a one-time, non-refundable application fee and incorporating an additional fee for incomplete applications where additional information is needed to complete the WTAC Product Review approval process. Mr. Broussard threw out a starting fee of \$1,000.00 plus assessing man hour review fees. Mr. Becker suggested a \$2,500.00 WTAC Product Review fee for products seeking approval up to 500 gpd and scaling up the fee structure beyond 500 gpd based on the increase in gallons. Mr. Becker also requested that separate fees be imposed for NSF approved products and non-NSF approved products in the WTAC Product Review fee. Mr. Broussard will discuss the WTAC Product Review Fee with NMED-EHB Management and incorporate the new fees into the fee schedule upon discussion and approval. Prior to the February 2020 EIB Hearing, Mr. Broussard will develop a fee structure for product reviews based on design volume and present to the WTAC for review and approval.

#### Questions Open to the Public:

John Ferdetta requested that the WTAC Product Review Fee start at \$5,000.00. Mr. Ferdetta also requested imposing a fee structure of: (1) Initial Application Fee; (2) Review Fee; and (3) Product Approval Fee. WTAC members Ms. Mount, Mr. Becker and Mr. Allen all concurred that they liked this type of fee structure.

#### **Item 5. Discussion of an on-site WWTP Proposal – Presentation by John Ferdetta**

John Ferdetta presented his on-site Wastewater Treatment Plant (WWTP) proposal to the WTAC committee and members in attendance by summarizing the first phase of the project with two planned phases to follow. The WWTP project is located on the Riata Ranch, located north of Alamogordo and will encompass 7.25 acres. On December 2, 2019, Mr. Ferdetta submitted a Liquid Waste application to the NMED Alamogordo Field Office for approval. In Phase 1 of the project, Mr. Ferdetta proposes to treat up to 1,500 gpd of residential septage from holding tanks (generated from off-site sources) and treat using two BioMicrobics 0.75 MicroFast advanced treatment systems and dispose treated wastewater to a leachfield consisting of *Infiltrator EZFlow* 1203V units. Prior to entering the 0.75 MicroFast units, septage will be pre-treated in two 1,500 gallon settling zone tanks and time dosed into the MicroFast units at a rate of 300 gallons per four hours. In Phase 2 of the project, Mr. Ferdetta plans to grow a bamboo grove and irrigate the agricultural production area with treated wastewater by meeting reclaimed wastewater standards of NMED's Above Ground Use of Reclaimed Domestic Wastewater. Mr. Ferdetta mentioned that he has been working on the conceptual development for several years as bamboo plants only require up to 3 gallons of water per day to thrive and his small scale project may provide a "green solution" as an alternative to large scale commercial liquid waste recycling projects. "Additionally, the project will enable to allow septage haulers to safely dispose liquid waste at the site in a cost effective manner for treatment and re-use." The 3<sup>rd</sup> phase of the project consists of taking solids from the WWTP and composting the solids to utilize as fertilizer application on the bamboo grove. Completing the overview presentation of the project, Mr. Ferdetta requested comments and concerns from the WTAC.

## Questions and Answers:

Michael Broussard asked Mr. Ferdetta if he had consulted with the New Mexico Department of Agriculture on growing bamboo in New Mexico. Mr. Fedetta's response: "Yes, I have checked the website to discover that it is not considered an invasive species"

Terry Mount (Vice-chair) requested of Mr. Ferdetta to maintain a daily manifest to identify the source of septage received, volume and location to be maintained on-site for regulatory inspection as part of Phase 3 of the project. Mr. Ferdetta agreed.

Michael Broussard recommended to Mr. Ferdetta to submit a Liquid Waste application for review and approval for his planned project.

### **Item 6. Discussion of the NMED "Ground Water Quality Bureau Guidance: Above Ground Use of Reclaimed Wastewater"**

Michael Broussard of the NMED-EHB Liquid Waste Program provided an update to the WTAC informing the committee that the Liquid Waste Program recently approved a Liquid Waste Permit allowing treated wastewater to be used a reclaimed wastewater for dust suppression at an RV Park located on the east outskirts of Carlsbad, NM. Mr. Broussard also informed the committee that during the application review process, the final draft permit conditions letter was presented to NMED Cabinet Secretary James Kenney for review and approval. The Liquid Waste permit authorizes the discharge up to 4,200 gallons per day of wastewater from a 42 space RV park to a Fluence Corporation Aspiral S1 Membrane Aerated Biofilm Reactor (MABR) for treatment. Treated wastewater (reclaimed wastewater) will be land applied to 4.10 acres for dust suppression via tanker truck equipped with low trajectory spray nozzles. As a condition of the permit, the permit requires the permittee to meet Class 1B reclaimed wastewater standards for re-use and meet all setbacks and disposal requirements of NMED's "Ground Water Quality Bureau Guidance: Above Ground Use of Reclaimed Wastewater."

## Questions and Answers:

Terry Mount (Vice-chair) asked if reclaimed wastewater will be used for agronomic uptake from plants. Mr. Broussard's response was "no" and discussed that the permit was written for reclaimed wastewater disposal to be utilized for dust suppression. "Although there is a nitrogen limit of 29 mg/L total nitrogen effluent limit, the permit does not authorize reclaimed wastewater to be utilized for agronomic uptake from plants." Ms. Mount recommended that monitoring and reporting shall be set-up like the electronic reporting that the NMED Drinking Water Bureau uses.

### **Item 7. Other Business**

No other business

### **Item 8. Next meeting agenda and date**

February 7, 2020 at 9:30 a.m. in Albuquerque

**Item 9.      Adjournment**

Don Becker moved that the meeting be adjourned. Loren Allen seconded the motion. All voted in favor. The meeting was adjourned at 11:35 a.m.

---

Prepared by Steven Pedro  
Program Sepcialist, NMED-EHB Liquid Waste Program

---

Date Approved by WTAC

DRAFT