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ENVIRONMENT DEPARTMENT



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**Liquid Waste Program
Policy Guidance
Requirements for Qualification of On-Site Professionals
(Section 904)**

Purpose: To identify a process by which the New Mexico Environment Department (the department) will fairly and consistently implement Section 904 of the Liquid Waste Disposal and Treatment Regulations (20.7.3 NMAC). This section of the regulations identifies the requirements for qualification and certification for specific categories of on-site professionals, including third party evaluators, maintenance service providers, septage pumpers and installer specialists.

Policy Guidance

1. Third Party Evaluators

Licensed CID contractors (MM-1, MM-98, MS-1 or MS-3), licensed professional engineers, NSF, NEHA, or REHS accredited inspectors shall be qualified to conduct third party evaluations and they do not need to submit an application to the department. Those individuals who do not meet any of the criteria listed above shall submit an application to the Liquid Waste Program on a form provided by the department. The applicant shall demonstrate a similar accreditation or certification (as compared to those identified in Section 904(B)(2)(a-e) or a combination of training and experience as approved by the department. The department shall consider being certified by the National Association of Wastewater Technicians (NAWT) as an Inspector (or a similar certification) in addition to 3 years of experience in the inspection of on-site wastewater systems to be the minimum requirement to be considered for qualification under Section 904(B)(2)(e). Only qualified maintenance service providers (qualified under Section 904(C)) may conduct system evaluations on advanced treatment systems. This qualification cannot be transferred to any other persons. The qualified party must be on-site for all third party evaluations and take full responsibility for all system evaluations.

2. Maintenance Service Providers of Advanced Treatment Systems

All Maintenance Service Providers (MSPs) shall submit an application to the Liquid Waste Program on department-approved forms. MSPs shall identify which advanced treatment systems they are qualified to work on, and they shall demonstrate that they have the knowledge, skill and ability to inspect, operate and maintain the system in accordance with each manufacturer’s specifications and the requirements of the liquid waste permit conditions. Each applicant shall provide copies of all licenses and certifications from manufacturers of advanced treatment systems. They shall also demonstrate that they meet all the requirements of Section

903 of the regulations. The MSP shall have a valid and appropriate CID license when required for the specific activities performed and have at least one of the following certifications: certification by the Manufacturer for the proprietary unit being maintained; operator certification for small advanced wastewater systems, or higher, from the state of New Mexico; certification at an acceptable level as a wastewater operator from another state, or certification based on other credentials approved by the department. For MSPs not certified by the manufacturer, they must provide assurance that they have access to the following: operation and maintenance manuals from the manufacturer of the proprietary unit they want to service, access to replacement parts and tool kits that are necessary to provide maintenance to the proprietary unit that is to be serviced. They shall acknowledge that they will be able to meet all requirements of Section 903 of the Liquid Waste Regulations.

This qualification cannot be transferred to any other persons. The Qualified MSP must be on-site for all operation and maintenance activities. NMED shall keep a list of all approved MSPs on the Liquid Waste Program's website.

3. Septage Pumpers

All applications for septage pumpers shall be made in writing on a form provided by the department and shall include documentation that they have completed approved coursework that demonstrates familiarity with applicable regulations and demonstrates competence in locating and exposing septic tanks, measuring sludge and scum levels, the complete pumping of septic tank sludge, maintenance of pumping equipment in a sanitary condition, prevention of pathogen transmission and preparation of an appropriate safety plan for normal operations. Septage pumpers shall demonstrate the ability to meet all the requirements of Section 904(d) of the regulations. The department has determined that the minimum competence needed to receive qualification as a septage pumper is the completion of the NAWT Vacuum Truck Certification (or comparable certification) and submission of a completed application to NMED's Liquid Waste Program Manager. There must be at least one qualified septage pumper on-site during septage pumping operations. This qualification cannot be transferred to any other persons. NMED's Liquid Waste Program shall keep a list of qualified septage pumpers on their website.

4. Installer Specialists

All applications for installer specialist shall be made in writing on a form provided by the department, and shall include the following documentation requirements as stated in Section 904(E) (1)(a-f) as stated below:

- a. a valid and appropriate classification of contractor's license issued by the New Mexico Construction Industries Division for the construction of on-site liquid waste systems;
- b. Three years of professional experience installing on-site liquid waste systems in New Mexico; or the installation or repair of either 100 on-site liquid waste systems in New Mexico in compliance with liquid waste permits approved by the department or by Bernalillo County; or 50 on-site liquid waste systems in New Mexico in compliance with liquid waste permits approved by the department or by Bernalillo County, plus certification as an installer of on-site wastewater systems by

- a national industry or trade organization. The applicant must be the licensed contractor who was listed on the permit;
- c. Sixteen hours of training credits approved by the department completed during the previous three calendar years. The department shall review all CEUs to verify that the knowledge, skills, and abilities of the curriculum are based upon the installation of on-site wastewater systems (See Appendix A for attached KSA list). Organizations, businesses or individuals may submit a request to the department to have courses and instructors preapproved. Courses and instructor qualification shall be reviewed by NMED.
 - d. Successful completion of a 20.7.3 NMAC training class and examination provided by the department during the previous 12 months;
 - e. No compliance orders issued to the applicant within the past three years for violation of any provision of 20.7.3 NMAC, except for compliance orders that are presently under appeal or that have been overturned on appeal or withdrawn by the department; and
 - f. No criminal convictions pursuant to NMSA 1978, Section 74-1-10 within the past five years for violation of any provision of 20.7.3 NMAC.

4. Administration of the Certification/Qualification of On-site Professionals

- a. Responsible for administration: The New Mexico Environment Department's Liquid Waste Program shall be responsible for the administration of the certification and qualification requirements stated in Section 904 of the Liquid Waste Disposal and Treatment Regulations. All applications shall be submitted to the Liquid Waste Program Manager or designee. All applications shall be reviewed by the Liquid Waste Program Manager or designee.
- b. Department timeline for review of applications: The department shall, within 15 working days of a receipt of a complete application notify the applicant in writing of their approval or disapproval of the application.
- c. Department denial of applications: The department may deny a qualification if it determines that an applicant does not meet all eligibility requirements as stated in the regulations or specified in this guidance.
- d. Right to appeal disapprovals: The department disapproval of an application may be appealed pursuant to the adjudicatory procedures in 20.1.5 NMAC.
- e. Installer specialist recertification: Installer specialist certification shall be valid for no longer than three years, expiring on January 31 of the applicable year. Installer Specialists shall be recertified upon submission to the department, no later than January 31 of each applicable year, of documentation that the installer specialist has received 16 hours of approved training credits during the previous three calendar years.
- f. Installer specialist approved training curricula: The department shall maintain on its internet website a list of training curricula that have been approved for qualification and recertification as installer specialist.
- g. Installer specialist regulation training and exam: The department shall accept registrations for a 20.7.3 NMAC installer specialist training class and exam quarterly in each department district. The department shall provide trainings and exams every quarter in each district unless there are no candidates who have shown an interest in this training and exam.


h. NMED website: The department will maintain on its internet website a list of certified installer specialists, maintenance service providers and septage pumpers along with a description of the minimum qualification requirements for each certification.

i. Suspension and Revocation: The department, at any time, may suspend or revoke a qualification for cause to include fraud, misrepresentation, failure to provide required documentation, failure to provide service in accordance with qualification or failure to comply with 20.7.3 NMAC. Suspension or revocation shall be by issuance of an order by the department.

j. Right to Appeal: Any person who desires to appeal a denial, suspension, revocation or disqualification for any category of certification described herein may appeal to the Secretary of the Environment Department. 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 30 days after notice of the action is served. Upon such request the Secretary shall conduct a hearing pursuant to the adjudicatory procedures in 20.1.5 NMAC.

This policy guidance shall go into effect on March 1, 2015.

Approved by



Jack King
EHB Bureau Chief

2/25/15
Date



Jim Vincent
Liquid Waste Program Manager

2/25/15
Date



Qualification Requirements for Liquid Waste Professionals

Section 904 of 20.7.3 NMAC

Liquid Waste Installer 401(C)

- Must hold one of the following valid CID licenses: MM-1, MM-98, MS-1 or MS-3

Third Party Evaluator 904(B)

- Must have one of the Following:
 1. **A valid CID License** (MM-1, MM-98, MS-1 and MS-3);
 2. Licensure as a **professional engineer (PE)**;
 3. Accreditation in on-site inspection by the **National Sanitation Foundation (NSF)**;
 4. Certification by the **National Environmental Health Association (NEHA)** as an installer of on-site wastewater treatment systems;
 5. Certification as a **registered environmental specialist (REHS)** or a **registered sanitarian (RS)**; or
 6. **Demonstration of a similar accreditation or certification**, or a combination of training and experience approved by the department (*Application required to demonstrate training and experience- applicants must have valid NAWT certification and show proof of experience in conducting evaluations*)

Maintenance Service Provider (MSP) 904(C)

- All MSPs must submit applications to the NMED Liquid Waste Program for approval (As of January 1, 2015)
- All approved MSPs shall be listed on the liquid waste website
- MSPs shall at a minimum be able to inspect, operate and maintain the system in accordance with the manufacturer's specifications and permit requirements
- The MSP personnel shall possess a valid CID license (MM-1, MM-98, MS-1 or MS-3); and have at least one of the certifications listed below: (*This certification is not transferable to other company employees*)
 - **Manufacturer's Certification** for the proprietary unit being maintained;
 - **Operator certification for small advanced wastewater systems**, or higher from the State of New Mexico, or certification at an acceptable level as a wastewater operator from another state; or
 - **Certification based on other credentials** approved by the department

Septage Pumper 904(D)

- Must have completed **NAWT Vacuum Truck Technician Training Certification Program** or equivalent; and
- Submit an application to LW Program with a copy of their certification;
- A list of approved septage pumpers shall be listed on the liquid waste website

Installer Specialist 904(E)

- Any person who possesses all of the following minimum qualifications may apply to the department for certification as an installer specialist: (*This certification is not transferable to other company employees*)
 1. A valid CID License (MM-1, MM-98, MS-1 and MS-3);
 2. Three years of professional experience installing on-site liquid waste systems in NM or other requirements listed in 904(E);
 3. 16 hours of training CEUs approved by the department (completed during the past 3 years);
 4. Passing an exam on the Liquid Waste Regulations 20.7.3 NMAC in previous 12 months;
 5. No compliance orders issued to applicant within the past 3 yrs; and no criminal convictions in past 5 yrs
- An application must be submitted to LW Program and Recertification Application must be submitted every 3 years; must complete 16 hours of approved training CEUS



Third Party Evaluator Application Form

You must submit this completed application form along with all required documentation listed on the bottom of this page for your application to be deemed "complete"

NOTE: This application is required for any third party evaluators who do not meet the qualification requirements under Section 903(B)(2)(a)-(e); and who are seeking qualification under Section 903(B)(2)(f) of the New Mexico Liquid Waste Disposal and Treatment Regulations 20.7.3 NMAC.

If you are a CID licensed contractor with an MM-1, MM-98, MS-1 or MS-3 license you do not need to submit an application. If you are PE, RS, REHS, accredited by NSF or a NEHA installer you do not need to fill out this application.

Name of Applicant	
Name of Company	
Mailing Address	
Phone Number	
Email Address	

Professional Experience

1. Do you have at least 3 years of professional experience inspecting and evaluation onsite liquid waste systems in New Mexico?	YES	NO
2. Are you currently certified by the National Association of Wastewater Technicians (NAWT) as an Inspector?	YES	NO
3. What date does your Current NAWT certification expire?	____/____/____	
4. How long have you been certified by the National Association of Wastewater Technicians (NAWT) as an inspector?	_____ Years	

By signing below, I acknowledge that I have read the Liquid Waste Disposal and Treatment Regulations and I understand the sections of the regulations that pertain working as a Third Part Evaluator. By signing below, I agree that the foregoing information is true and correct. I understand that I cannot make repairs to this system, install risers, install effluent filters or do any other work which is beyond the scope of work which requires a CID license. I understand that if I should perform any of this work without the appropriate CID license, this Third Party Evaluator Certification will be revoked by NMED and a letter will be sent to NAWT informing them of this revocation. I understand that I cannot perform evaluations on advanced treatment systems nor unpermitted systems. I also understand that it is my responsibility to submit my NAWT renewal certifications to NMED prior the expiration of your certification.

Third Party Evaluator Name Printed	Third Party Evaluator Signature	Date
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Third Party Evaluator Application Submittal Requirements

- [] **Third Party Evaluator Application Form-** Completed and signed
- [] **Copy of NAWT Inspector Certification** – must be current and valid
- [] **Professional Experience** – attach a letter which describes your professional experience; this should include how many years you have been inspecting and evaluation on-site liquid waste systems in New Mexico
- [] **Attach copies of 3 Property Transfer Evaluations/Inspections that you have completed.** Submit one evaluation form from each of the years that you have been conducting these evaluations/inspections. These evaluation/inspection forms must have your signature on them as the evaluator/inspector.

Please send your complete application to:

Michael Broussard, EHB Liquid Waste Specialist, 2450 Camino Edward Ortiz, Santa Fe, NM 87505; Fax 505-827-1839
For more information please contact Michael Broussard at Michael.Broussard@state.nm.us or 505-476-0125



State of New Mexico Environment Department
Environmental Health Bureau
Liquid Waste Program



Maintenance Service Provider Application Form (Part A)

Name of Applicant for MSP		
Name of Company		
Mailing Address		
Phone Number		
Email Address		
Which Certifications are Current and Active? <i>(Attach all certifications with this application)</i>		Certification by the Manufacturer NM Operator Certification for Small Advanced Wastewater Systems (Or higher) Certification as Wastewater Operator from another state Other Certification based on Credentials Approved by the Department
Name All Proprietary Advanced Treatment Systems that you are applying for Qualification under 904(C) of Liquid Waste Regulations 20.7.3 NMAC <i>(NOTE: You must submit a "PART B" for each and every ATS that you are requesting approval to service)</i>		
For each of the Advanced Treatment Systems listed above, you must fill out a "ATS QUALIFICATION FORM" Qualification Forms for <u>each</u> ATS are Attached?		YES NO
Do you have the ability to sample all units using approved sampling methods?		YES NO
Will you be able to respond to emergency situations within 48 hours of being notified?		YES NO
Do you use a contract for service that contains, at least, minimum standards approved by NMED?		YES NO
Do you have a quality assurance/quality control plan acceptable to the department?		YES NO
Will you notify NMED within 5 working days for any failed system?		YES NO
By signing below, I acknowledge that I have read the Liquid Waste Disposal and Treatment Regulations and I understand the sections of the regulations that pertain working as a maintenance service provider. I understand that should I be approved as a maintenance service provider on specific advanced treatment units, that I must be on-site for all activities involving the maintenance of these advanced treatment systems.		
_____		_____
MSP Name Printed	MSP Signature	Date

Please Complete this Application Form(Part A) along with Part B Forms for each ATS you want to work on to :
Michael Broussard, EHB Liquid Waste Specialist, 2450 Camino Edward Ortiz, Santa Fe, NM 87505; Fax 505-827-1839
For more information please contact Michael Broussard at Michael.Broussard@state.nm.us or 505-476-0125



MSP Application-ATS Qualification Form (Part B)

You must submit a separate "Part B" for each type of advanced treatment system(ATS) that you are requesting t to service. Fill out one form for each Manufacture and include all model numbers. The department will determine whether you meet the regulatory requirements and will send you a letter informing you that you have been approved or denied for maintaining this system. For all systems that you are approved to operate, service and maintain , your name will be listed on the NMED website.

1. Name of Advanced Treatment Unit(s) you are requesting to inspect, operate and maintain <i>(Include Name of Manufacturer and Model Numbers)</i>	
1. Have you completed a training and certification program from the manufacturer on this ATS?	YES NO Date of the last training you attended on this ATS? ____/____/____
a. If You Answered <u>YES</u> to the question above	Please submit all certifications as part of this application
b. If You Answered <u>NO</u> to the question above	
3. You must provide a written statement that describes trainings that you have received on similar types of ATSs and describe your experience at operating, maintaining and servicing these units. <u>Is this statement attached?</u>	YES NO
4. Do you have operation and maintenance manuals for this ATS that would be made available for NMED verification?	YES NO
5. Do you have regular access to replacement parts for this ATS?	YES NO
6. If the operation and maintenance of this ATS requires specialized tools, do you have access these tools?	YES NO N/A

By signing below, I agree that the foregoing information is true and correct to the best of my knowledge.

MSP Name Printed	MSP Signature	Date
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Septage Pumper Application Form

Name of Applicant

Name of Company

Mailing Address

Phone Number

Email Address

Have you completed the NAWT Vacuum Truck Technician Training Certification Program or a comparable program?

You must demonstrate familiarity with the applicable regulations and demonstrate competence in locating and exposing septic tanks, measuring septic sludge and scum levels, the complete pumping of septic tank sludge, maintenance of pumping equipment in a sanitary condition and prevention of pathogen transmission and preparation of an appropriate safety plan for normal operations

NMED considers completion of the National Association of Wastewater Technicians (NAWT) Vacuum Truck Technician Training Certification Program demonstrating competence for these requirements.

YES NO

Do you understand that you must maintain your equipment to ensure no sewage spill occurs during transport or storage and that your employees or the public are not subject to a hazard to public health?

YES NO

Do you have a written contingency plan for spill abatement and shall have the equipment and supplies needed to abate spills onsite during each pumping operation?

YES NO

Do you understand that there must be a Certified Septage Pumper on-site any time that a septic tank is pumped?

YES NO

List all the facilities that you use for the septage disposal. Upon request you may be asked to provide copies of any permits or licenses issued by the owner of the disposal facility to the septage pumper

Septage Disposal Facilities that I use:

By signing below, I acknowledge that I have read the Liquid Waste Disposal and Treatment Regulations and I understand the sections of the regulations that pertain working as a septage pumper.

Septage Pumper Name Printed

Septage Pumper Signature

Date

**Please Complete this Application and attach your NAWT Vacuum Truck Technician Training Certification and Send to :
 Michael Broussard, EHB Liquid Waste Specialist, 2450 Camino Edward Ortiz, Santa Fe, NM 87505; Fax 505-827-1839
 For more information please contact Michael Broussard at Michael.Broussard@state.nm.us or 505-476-0125
 Once you are approved by NMED your name will be added to the Septage Pumper list on the Liquid Waste Program's website**



State of New Mexico Environment Department
Environmental Health Bureau
Liquid Waste Program



Installer Specialist Application Form

You must submit this completed application form along with all required documentation listed on the bottom of this page for your application to be deemed "complete"

Name of Applicant for Installer Specialist			
Name of Company			
Mailing Address			
Phone Number			
Email Address			
CID Licensure			
Which CID License(s) do you currently hold?	MM-1	MM-98	MS-1 MS-3
	Expiration Date: ____/____/____		
Professional Experience			
1. Do you have at least 3 years of professional experience installing on-site liquid waste systems in NM?	YES	NO	
2. Have you installed or repaired at least 100 on-site liquid waste systems in NM in accordance with permits approved by NMED or Bernalillo County?	YES	NO	
3. Are you certified as an installer by a national industry or trade organization <u>and</u> have you installed at least 50 on-site liquid waste systems in NM in accordance with permits approved by NM or Bernalillo County?	YES	NO	
Approved Continuing Education Units and NMED Regulations Training Class and Exam			
1. Have you complete 16 hours of training credits approved by NMED for this Installer Specialist category within the past 3 years? (Note: Training CEUs must be approved by NMED to meet KSAs for this category of certification)	YES	NO	
2. Have you completed an NMED Liquid Waste Regulation training class and passed an exam?	YES	NO	
Compliance and Criminal Convictions			
1. Have you been issued any Compliance Orders within the past 3 years for violation of any provision of the Liquid Waste Regulations 20.7.3 NMAC?	YES	NO	
2. Have you had any criminal convictions pursuant to NMSA 1978, Section 74-1-10 within the past five years for violation of any provision of the Liquid Waste Regulations 20.7.3 NMAC?	YES	NO	
By signing below, I acknowledge that I have read the Liquid Waste Disposal and Treatment Regulations and I understand the sections of the regulations that pertain working as an Installer Specialist. By signing below, I agree that the foregoing information is true and correct.			
_____ Installer Specialist Name Printed	_____ Installer Specialist Signature	_____ Date	

Installer Specialist Application Submittal Requirements

- Installer Specialist Application Form**- Completed and signed
- Copy of CID License** – must be current and valid
- Professional Experience** – attach a letter which describes your professional experience; this should include how many years you have been installing on-site liquid waste systems and approximately how many permit approvals you have received from that state of New Mexico or Bernalillo County
- NMED Liquid Waste Regulations Training and Exam**- letter from NMED stating that you have attended the Liquid Waste Regulation 20.7.3 NMAC Training and have passed the exam
- Copy of CEU Certificate** showing 16 hours of approved Installer Specialist CEUs have been completed within the past 3 years. You must include documentation that allows NMED to make determination as whether these CEUs meet KSAs for this category of certification

Please Send your complete application with attachments to:

Michael Broussard, EHB Liquid Waste Specialist, 2450 Camino Edward Ortiz, Santa Fe, NM 87505; Fax 505-827-1839
For more information please contact Michael Broussard at Michael.Broussard@state.nm.us or 505-476-0125