

New Mexico Environment Department
Wastewater Technical Advisory Committee

Product Review Process
December 14, 2012

This document describes the Wastewater Technical Advisory Committee's (WTAC) submittal requirements and review process for onsite wastewater products and product modifications. These products include advanced treatment systems, non-conventional drainfield products, and septic tank treatment additives. After review, the WTAC may recommend a product's approval or denial to the Secretary of the New Mexico Environment Department (NMED).¹

I. Submittals

Any Manufacturer seeking WTAC review of its product shall submit one original and six copies of the product package, the contents of which are described in Section III, below, both in hardbound paper format and electronic portable document format (PDF). Submissions shall be delivered to the attention of the:

*Bureau Engineer
NMED Environmental Health Bureau
Harold Runnels Building, P.O. Box 5469
Santa Fe, NM 87502-5469*

Submittals must be received at least 90 days prior to the quarterly WTAC meeting at which review is sought. **Submittals should not include any confidential information. The WTAC and NMED will not be responsible for keeping any information confidential.**

Product packages shall be reviewed by the Bureau Engineer for completeness. A complete package will contain the information set forth in Section III, below. Product packages that are incomplete may be returned without further review. If in the Bureau Engineer's judgment a product package is substantially complete, only missing minor collateral material/information, the Engineer will notify the Manufacturer. If the missing collateral information is submitted to the Bureau Engineer by the Manufacturer at least 60 days prior to the WTAC meeting, the product package will be considered complete. The Bureau Engineer shall forward packages that are complete to the WTAC a minimum of 30 days prior to the next scheduled WTAC meeting. A final decision to place the product on the upcoming meeting agenda will be made by the WTAC Chair who will notify the NMED support staff for preparation of the draft agenda.

¹ Additional information may be obtained from the Liquid Waste Program webpage at: <http://www.nmenv.state.nm.us/fod/LiquidWaste/index.html>

For products lacking the performance data required to be considered complete, but which have met all the other submittal requirements, the Manufacturer may request a recommendation for experimental or conditional approval from the WTAC.

Complete product packages will be reviewed on a first-come, first-served basis at a regular meeting of the WTAC. A Manufacturer may request product review at a specific WTAC meeting but there is no guarantee that the product review will be so scheduled. Once scheduled, product representatives will be invited to make a 20 minute presentation.

II. Approval Types

After evaluation the WTAC may recommend a product for approval by the Secretary of the New Mexico Environment Department. Approval recommendations shall be for one of the following statuses.

A. Experimental Status:

1. Allow the construction, operation, and monitoring of no more than ten domestic advanced treatment systems on sites that otherwise could be served by a conventional septic tank/dispersal system, are served by a permitted, non-discharging liquid waste system, or discharge to a community sewer.
2. Experimental drainfield systems may be installed on no more than ten sites that otherwise could be permitted for conventional dispersal.
3. All experimental advanced treatment installations must be monitored as set forth in Section IV, below. Experimental Status will be recommended for a maximum of 30 months. After the experimental period expires or upon request for advancement of approval status, monitoring data must be reported to the Bureau Engineer within 90 days for WTAC review.
4. Experimental products may be installed on commercial sites provided the installation is engineered² and approved in writing by the Manufacturer. Commercial sites shall not count towards the three minimum or against the ten maximum installations of advanced treatment systems required herein but must meet the monitoring and reporting requirements.
5. If at least three domestic systems have been installed and monitored for more than one year, the Manufacturer may then request a recommendation from the WTAC that the product be advanced to Conditional Status. A request for advancement must be made to the Bureau Engineer at least 90 days prior to the quarterly WTAC meeting at which approval for advancement is sought.

B. Conditional Status:

1. Allows the permitting and installation of no more than 100 domestic treatment systems on sites that may include limiting conditions requiring advanced treatment, but will not include sites requiring a variance.³

² Sealed and signed by a Professional Engineer licensed to practice in New Mexico.

³ Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC

2. Conditional Status may be recommended subject to conditions that would allow limited use of the product in areas challenged by altitude, climate, temperature, influent water quality and periodic or seasonal flow. The WTAC recommendation may include limits on the number of installations in challenging environments as described in Section III.B.6, below.
3. Conditional Status may be recommended based on an experimental approval and the data collected in New Mexico, on extensive data presented from sites within or outside of New Mexico or on a third-party led pilot-scale research study.
4. Conditional Status drainfield products may only be installed on sites where conventional dispersal systems can be permitted.
5. Conditional products may be installed on commercial sites provided the installation is engineered⁴ and approved in writing by the manufacturer. Commercial sites shall not count towards the ten minimum or against the 100 maximum installations of advanced treatment systems required herein but must meet the monitoring and reporting requirements.
6. Conditional Status is granted for five years. Monitoring data, as required by liquid waste permits for the installed systems, must be submitted to the Bureau Engineer for review by the WTAC. Upon consideration of the data, the WTAC may recommend the product be advanced to Standard Status. Advancement to Standard Status may be requested after one year of Conditional Status.

C. Standard Status:

1. Allows unlimited permitting and installation of the product throughout the jurisdiction of NMED. Tertiary treatment⁵ products will include an approved level of total nitrogen treatment.
2. Standard status is granted for seven years for treatment products or ten years for dispersal products, after which time, the manufacturer must submit a Request for Renewal, and a Design Modification Report to NMED at least six months prior to the expiration of approval.

III. Product Package Contents

Product packages shall contain the following.

A. All Products

1. Product Review Application Cover sheet.
2. Applicant information – company name, contact person, and local distributors with postal and physical addresses, telephone and facsimile numbers, and email and website addresses for each. This section must identify the entity responsible for compliance with any terms or conditions that may be ordered by NMED.
3. Type of approval being requested – Experimental Status, Conditional Status, or Standard Status, or modifications to an existing approval.

⁴ Sealed and signed by a Professional Engineer licensed to practice in New Mexico.

⁵ Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC

4. Process summary – written description of the function of the product and level of treatment claimed.
5. Complete list of product models or configurations for which approval is sought.

B. Advanced Treatment Products - In addition to information required to be submitted under Section III.A, above, an advanced treatment product package shall include the following items:

1. Flow schematic and hydraulic profile clearly identifying each component and all flows, such as return flows, side flows, and surge flows.
2. Process discussion to substantiate performance claims.
3. Performance and process data collected and tested by an independent laboratory.
4. Drawings, specifications, and installation instructions for the product, stamped by a Professional Engineer,⁶ with sufficient detail to allow (absent site specifics) for field construction by a contractor⁷, and structural analysis of treatment or pump tank(s) demonstrating compliance with the relevant paragraphs of Section 501, Design: Liquid Waste Treatment Units, General, of the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC
5. Installation, Operation and Maintenance manuals for the product, including:
 - a. Installation instructions
 - b. Operating instructions
 - c. A listing of all parts and electrical and mechanical equipment⁸
 - d. Maintenance and preventative maintenance procedures
 - e. Repair and replacement information
 - f. A comprehensive troubleshooting guide
6. Product modifications that must be made to account for challenging environments, such as cold weather and high elevation
7. Disclosure of product limitations, in terms of inappropriate applications
 - a. Flow quantity – minimum, maximum, and periodic
 - b. Influent water characteristics
 - c. Climate/temperature/elevation
 - d. Siting/installation
8. Products with certification from ANSI-accredited organizations shall submit test results, test reports and approval documents related to the certification.
9. Products without certification from ANSI-accredited organizations shall:
 - a. Report data from all sites installed under Conditional Status, with a minimum of 10 domestic installations
 - b. Data must be for a period of at least one year and in accordance with the liquid waste permit

⁶ Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying

⁷ NSF Certification Final Report drawings may meet this requirement

⁸ Reference the Uniform Plumbing Code (UPC), Uniform Mechanical Code (UMC) and National Electric Code (NEC), et. al. and their latest editions as adopted by the State of New Mexico. Reference New Mexico standards and codes. Include a summary of standards not referenced in the UPC, UMC or NEC, et. al. or New Mexico code. Lists of equipment and materials will be used by the WTAC –for reference only– when determining the ability of the product to perform the claimed treatment/process. The WTAC is not responsible for determining if the product meets standards and codes.

- c. Data shall meet the criteria set forth in Item IV.A.3. below and a report must be submitted that describes why any systems did not meet the criteria.
- 10. Products that combine advanced treatment and dispersal must meet the treatment requirements of this section and the drainfield dispersal requirements in Section III.C.

C. Dispersal (Drainfield) Products - In addition to the information required to be submitted under Section III.A above, a drainfield product package shall include the following items:

1. Drawings, specifications, and installation instructions for the product, stamped by a Professional Engineer,⁹ with sufficient detail to allow (absent site specifics) for field construction by a contractor
2. Product modifications that must be made to account for challenging environments, such as cold weather and high elevation
3. Copies of sales brochures, catalogs and other promotional materials
4. Storage Information – Testing data or calculations showing the subsurface liquid storage volume and the way this volume may change with time. Values shall be produced or verified by a third party.
5. Surface Interface – Calculations showing the available contact surface area per unit volume of underdrain or bedding material available to dispersed flow.
6. Distribution Information – Testing data or calculations showing the hydraulic ability of the product to carry and distribute flow.
7. Structural Information – Testing data or calculations, stamped by a PE, showing the products ability to maintain the integrity of the dispersal trench and/or bed over time, and the ability of the product to withstand the forces applied by live loads such as the inadvertent over-passing of vehicles/equipment. Must meet performance criteria such as AASHTO H-10 for non-traffic areas or AASHTO H-20 for traffic areas using a testing method acceptable to the Bureau Engineer. For chambers, testing to be performed in accordance with the International Association of Plumbing and Mechanical Officials (IAPMO) procedures in Section 6 of Material and Property Standard for Plastic Leaching Chambers, IAPMO PS 63-2005, or most recent version. For Bundled Expanded Polystyrene Synthetic Aggregate Units, testing to be performed in accordance with the International Association of Plumbing and Mechanical Officials (IAPMO) Guide Criteria 276-2011, or most recent version.
8. Decay – List material data showing the product’s components will not decay, deteriorate, or leach chemicals in quantities that exceed either USEPA maximum contaminant levels or New Mexico Water Quality Control Commission ground water quality standards, as measured by both the TCLP and SPLP, EPA Methods 1311 and 1312, respectively. Alternately applicant may submit data from a long term test of the product in functioning onsite dispersal systems, for a period indicative of leaching under long term use that demonstrates these standards will not be exceeded in groundwater, or alternate criteria acceptable to the Bureau Engineer.

⁹ Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying

9. Sizing Reduction – Dispersal products seeking a reduction allowance relative to conventional pipe and gravel drainfields shall also submit:
 - a. Testing data and calculations demonstrating the functionality of the product when installed at the requested reduced drainfield size.
 - b. Certification by a nationally recognized, independent third party.
 - c. If a theoretical justification is used, the Manufacturer must submit a testing protocol to demonstrate functionality under the requested reduction.
 - d. Product limitations, such as unsuitable soil types, difficult terrains, structural capacity, or effluent quality requirements.
10. Products that combine advanced treatment and dispersal must meet the dispersal requirements of this section and the advanced treatment requirements in Section III.B.

D. Treatment Additives - In addition to the information required to be submitted under Section III.A, above, a treatment additive product package will include the following items:

1. Claims being made.
2. List of ingredients.
3. Material Safety Data Sheet (MSDS) for the product.
4. Description of processes that are believed to be responsible for accomplishing the additive's desired effect.
5. Description of any ancillary reactions or processes caused or catalyzed by the additive.
6. The product application protocol.
7. Test results as ordered by the NMED and/or requested by the WTAC.

E. Recommended Information. The following information may also be provided in the product package.

1. Product performance or evaluation reports prepared by entities other than the Manufacturer
2. Training program outline available to licensed contractors.
3. Articles in peer-reviewed professional publications that address the product.
4. Handouts and audio/visual presentations to be used during the WTAC presentation.
5. Other material.

IV. Review Metrics

The WTAC will review treatment, dispersal, and additive products against the following metrics. See Appendix for a summary table of installation and monitoring requirements for Experimental, Conditional, and Standard Status approvals.

A. Treatment Products:

1. ANSI/NSF Certified Products
 - a. Products that have been certified by an ANSI-accredited organization as providing Class 1 treatment pursuant to ANSI/NSF Standard 40, shall be

deemed capable of performing secondary treatment and recommended for Standard Status.

- b. Treatment systems that have been certified by an ANSI-accredited body as providing both secondary treatment and a 50% reduction in total nitrogen pursuant to ANSI/NSF Standard 245, shall be deemed capable of performing tertiary treatment and recommended for Standard Status corresponding to the average total nitrogen concentration in effluent determined during the ANSI/NSF testing plus an additional 5 mg/L. Manufacturers of treatment systems wishing to qualify for a total nitrogen approval lower than that described in this section may request a recommendation to follow the process in Sections IV.A.2 and IV.A.3, below
2. Non-ANSI/NSF Certified Products - Products that do not have an ANSI accredited certification may apply for Conditional Status if they meet the treatment levels shown in Section IV.A.3, below, as demonstrated by the following.
 - a. Results from a monitoring program as described in the Appendix
 - b. Sampling Procedures
 - i. Sample collection, field, and lab analysis shall be conducted according to procedures identified in the latest edition of one of the following:
 - Standard Methods for the Examination of Water and Wastewater, a joint publication of the American Public Health Association, the American Water Works Association, and the Water Environment Federation, <http://www.standardmethods.org/>.
 - Methods and Guidance for the Analysis of Water, U.S. Environmental Protection Agency, <http://www.ntis.gov/products/epa-water-methods.aspx#watercd>
 - Techniques of Water-Resources Investigations, U.S. Geological Survey, <http://pubs.er.usgs.gov/publication/wri20014186>
 Other appropriate methods as approved byNMED.
 - ii Chain of custody documentation must be included with all test data.
 - iii Sample analysis must be performed by an appropriately certified independent laboratory.
 - iv.The product package must specify which test methods were used.
 - c. Required Analyses¹⁰ for Non-ANSI/NSF Approved Products

INFLUENT	EFFLUENT
<i>Field Parameters for Secondary or Tertiary Treatment</i>	
pH	pH
Temperature	Temperature
	DO
<i>Laboratory Parameters for Secondary Treatment</i>	
BOD ₅ or COD	BOD ₅ or COD

¹⁰ Either BOD₅ or CBOD are acceptable, but the same method must be used for both influent and effluent data.

TSS	TSS
<i>Laboratory Parameters for Tertiary Treatment</i>	
BOD ₅ or COD	BOD ₅ or COD
TSS	TSS
TKN	TKN
Alkalinity	Nitrates
	Alkalinity
<i>Laboratory Parameters for Disinfection Treatment</i>	
	E. coli

3. Non ANSI/NSF approved products may apply for Standard Status if they meet the treatment levels shown below:
 - a. Secondary treatment
 - i. The average of twelve (12) consecutive sample results of 30 mg/L BOD or less, with no single sample greater than 60 mg/L or
 - ii. The average of twelve (12) consecutive sample results of 80 mg/L COD or less, with no single test greater than 110 mg/L, and
 - iii. The average of twelve (12) consecutive sample results of 30 mg/L TSS or less, with no single sample greater than 60 mg/L.
 - b. Tertiary treatment:¹¹
 - i. The average of twelve (12) consecutive sample results with TKN plus nitrate removal being greater than 50 percent.
 - ii. Manufacturers of tertiary treatment systems wishing to qualify for TKN plus nitrate removal greater than 50 percent must submit twelve (12) consecutive sample results with no single result being greater than 50 percent above the average. Approval will be given for the average demonstrated TKN plus nitrate concentration plus 20 percent of the average.
 - c. Disinfection treatment: shall achieve the requirements of 20.7.3.604 NMAC.
4. Product models may be recommended for approval for Standard Status based on similarity to models that have undergone testing and have received certification to standards, such as those mentioned in Section IV.A.1. “Similar model” means models using the same process, configuration, proportional loading rates, proportional dimensions, and the same materials and configuration of component equipment, either larger or smaller than the tested and certified model. Component equipment must be proportional in function. Accessibility, installation procedures, requirements for and ease of maintenance or repair, parts availability and longevity of the product must be equivalent to the tested and certified model. Limitations on products smaller or larger will be one-fifth and five times rated hydraulic flow of the approved product, respectively. Only products from the same Manufacturer are eligible for consideration as similar.

¹¹ The WTAC may recommend to the Department that the approved total nitrogen level be modified based on results of the monitoring data collected during conditional status testing.

- B Dispersal Products: Drainfield products will be reviewed for their dependability and performance with reference to conventional pipe and gravel drainfields.
1. Product submittal information, as described in Section III.C, Items 1-8, will be reviewed to verify product suitability in drainfield environments in general, and in New Mexico. Products that are presented as an aggregate type drainfield product must comply with the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC.
 2. Products that have been certified by ANSI/NSF may be granted a reduction in drainfield size compared to conventional pipe and gravel based on the results of the evaluation and certification within the limits allowed by NMED regulations in 20.7.3 NMAC. Sizing of products that combine advanced treatment and dispersal must also comply with NMED regulations for dispersal system sizing in 20.7.3 NMAC.
 3. Products that have been approved for use in AZ, CO, UT, WY, ID, or MT may be granted a reduction in drainfield size compared to conventional pipe and gravel systems based on the results of the states' evaluations and certifications within the limits allowed by NMED regulations in 20.7.3 NMAC; performance data must be submitted from one or more of these states on at least 10 systems which have been in operation for at least 3 years.
 4. For products which are new (i.e., previously uninstalled), and for which no reduction in drainfield size is requested, engineering plans and specifications, which are stamped and sealed by a Professional Engineer¹², and evaluations must be provided. These materials must demonstrate that the product shall perform satisfactorily in a drainfield environment, including consideration of structural stability at depths of burial recommended by the manufacturer or allowed by NMED regulations, 20.7.3 NMAC, whichever is less, and physical and chemical stability, under typical drainfield conditions.
 5. New products which have not been evaluated by ANSI/NSF and those that have not been approved in the states identified in IV.B.3 must demonstrate performance under either Experimental or Conditional status. The minimum numbers of systems and the performance time required for status upgrade is listed in the Installation and Monitoring Matrices in the Appendix.
 6. When seeking to upgrade approval status, the Manufacturer shall submit the following performance data for its dispersal products for the number of systems and performance times listed in the Installation and Monitoring Matrices in the Appendix.
 - a. System design including estimated flows, drainfield design parameters, and estimated hydraulic loading rate

¹² Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying

- b. Site conditions – location, elevation, lot size, depth to ground water or bedrock, soil type, slope, type of treatment provided
 - c. Results of independent 3rd party inspection by individuals qualified under NMED regulations, 20.7.3 NMAC during most recent monsoon season (July 15 to September 15). Inspection report shall include photographs and a discussion of whether there is evidence of surfacing wastewater or drainfield collapse,
7. To upgrade approval status the systems evaluated in Section IV.B.6 must demonstrate satisfactory performance which means no instances of drainfield failure, surfacing sewage, back up of sewage, and, based on an installed observation port for at least ten percent of the systems and no fewer than ten ports, no continuous accumulation of standing liquid exceeding fifty percent of the product height in the drainfield which are caused by poor performance of the dispersal product and not to improper disposal of materials in the liquid waste system or to hydraulic overloading or other misuses
 8. During an Experimental Status or Conditional Status approval period, the Applicant must report to the Environmental Health Bureau Engineer, all instances of drainfield failure, surfacing sewage, and back up of sewage. If an Applicant contends that any such instances are due to improper disposal of materials in the liquid waste system, the Applicant shall bear the burden of proof to demonstrate what was improperly disposed and that the product achieved satisfactory performance once the improper materials were no longer disposed in the liquid waste system. Likewise, if an Applicant contends that drainfield failure, surfacing sewage or back up of sewage is due to improper use or improper installation, unless the system had to be abandoned, the Applicant shall bear the burden of proof accordingly.
 9. Product models may be issued a recommendation for approval for Standard Status based on similarity to models that have undergone testing and received certification to standards (such as NSF 240), or have been previously approved unconditionally by NMED. “Similar model” means models using the same process, similar configuration, proportional or reduced loading rates, similar or proportional dimensions, and the same or equivalent materials and configuration, either larger or smaller than the tested, certified or previously approved model. Structural integrity, chemical durability and hydraulic properties of the product must be equivalent or superior to the tested, certified or previously approved model. Only products from the same Manufacturer are eligible for approval on the basis of similarity.

C. Treatment Additives: Treatment additives making a claim of advanced treatment or improved drainfield performance shall submit data and be reviewed by the WTAC according to procedures established in Sections IV.A or IV.B, above as appropriate.

V. Products Approved by NMED Prior to WTAC

- A. If requested by the Manufacturer, the WTAC will review and make recommendations of approval status for products approved for installation in New Mexico prior to the formation of the WTAC.¹³
- B. The Manufacturer shall submit a product package according to Section III above. The information will be reviewed by the WTAC in accordance with the review process set forth herein.

VI. Products with Conditional or Experimental Status

- A. As requested by NMED, when (1) approval time has lapsed and no request for advancement in status has been received, (2) reports are received by NMED indicating that the product is not performing as expected, or (3) NMED receives other information that suggests that listing on an Approved Products list is no longer warranted, the WTAC will review products previously reviewed by the WTAC and approved by NMED for Conditional Status or Experimental Status. The review will be limited to product design characteristics that may have contributed to the product’s failure to perform or modifications to the product that have occurred since the original approval. A letter will be sent by NMED to Manufacturers of such products informing them of this review and the facts supporting the need for review. If appropriate, a number of installed systems for each product, as determined by Table 1, will be reviewed. NMED may select specific sites to be included. Any remainder of the required number of sites, not selected by NMED, may be selected by the Manufacturer.

Table 1 – Number of Installed Systems to be Reported/Reviewed

No. of Products	Installed	1-3	4-10	11-20	20-100	>100
	Reviewed	all	4	11	20	25

- B. An abbreviated product package shall be submitted by the Manufacturer. The abbreviated package shall include any modifications of the product as defined in Section VII.D. In addition, pumping and inspection reports, when such reporting is required by the Experimental or Conditional Status approval shall be included. The monitoring data shall be submitted in electronic format on an NMED-supplied spreadsheet.
- C. After reviewing the product package, the WTAC will recommend to the Secretary any changes in product status it deems appropriate.
- D. Failure to submit the required information by the date stated in the notification letter, or failure of a product to achieve the appropriate metrics specified in Section IV.A and in the product’s liquid waste permits, may be grounds for removal from the Approved Products list or other corrective action by the Department. Before removal from the Approved Products list or other corrective

¹³ The WTAC is considered to have been formed on June 20, 2003, the effective date of 9-7A-15 NMSA.

action, the manufacturer will be given notice by NMED of the contemplated action and will be given an opportunity to respond in a reasonable time.¹⁴

- E. If an Experimental or Conditional Status approval has not been exercised within thirty months of being issued, the Manufacturer will be informed by letter that NMED intends to cancel the approval. An approval is considered to not have been exercised if no permits have been issued and no installations have occurred. NMED will also grant a reasonable period for the Manufacturer to respond before approval is canceled.

VII. Periodic Review and Renewal

- A. All on-site advanced wastewater treatment and dispersal and treatment additive products approved by the NMED Secretary with Standard Status pursuant to the statute establishing creation of the WTAC (NM Stat § 9-7A-15) are subject to periodic renewal. Since the principles supporting product function were approved as part of the initial product approval process, the objective of the renewal process is to confirm that the product and its performance meet the performance criteria under which the product was originally approved or last renewed. Upon evaluation of the information submitted as described in this section, the WTAC may recommend the renewal of an approved product by the Secretary of NMED.
 - 1. Advanced treatment product approvals must be renewed by the Secretary every seven years.
 - 2. Dispersal product and treatment additive approvals must be renewed by the Secretary every 10 years.
- B. Manufacturers wishing to renew the approval of their products must submit an Application for Renewal and a Design Modification Report to NMED at least six months prior to the approval expiration date. NMED will endeavor to notify Manufacturers at least nine months prior to the expiration of approval, but failure of NMED to do so does not relieve a Manufacturer of the obligation to submit an Application for Renewal and Design Modification Report at least six months prior to the approval expiration date.
- C. The Application for Renewal must include:
 - 1. All products must submit the information required in Section III.A of this document.

If no modifications have been made to the product or performance parameters, the Manufacturer shall submit a statement to that effect. In addition, information specified in this section shall only be supplied where there has been a change from the initial application for approval or prior renewal, as applicable. Where no modifications have been made to the product or performance parameters, the Manufacturer shall indicate that no modifications

¹⁴ Other corrective action may include, but is not limited to, a recommendation from the WTAC that the Approved Status of the product be changed to Conditional or Experimental, or that the Manufacturer be given additional time (not to exceed thirty months) to gather data and submit a product package.

have been made for the items requiring a response in Sections III.B, C, and D, as applicable.

2. For products that have been certified by ANSI/NSF or another certifying body, the manufacturer shall provide documentation of the most recent certification.
 3. For treatment systems, the Manufacturer shall provide the most recent information requested in Sections III.B.5 through III.B.7 of this document.
- D. A Design Modification Report shall be submitted at the same time as the Application for Renewal. The Design Modification Report shall include a description of all modifications to the treatment system, dispersal product, or treatment additive made since its approval or prior renewal.
1. The Design Modification Report must include a description of any changes in process design, system configuration, construction materials, process loading rates, and process equipment (pumps, blowers, valves, controls, etc.). An explanation of why the modifications were made must be included.
 2. The Design Modification Report must provide an analysis and statement by a Licensed Professional Engineer that the modifications will not diminish performance of the system as compared to the performance criteria established in the approval.
 3. If no modifications have been made to the product, the Design Modification Report shall consist of a statement indicating that no changes have been implemented since the approval or prior renewal.
- E. For an approval to be eligible for renewal, at least five systems must have been installed in New Mexico since product approval or prior renewal by the Secretary.
- F. In addition to the Application for Renewal and Design Modification Report, NMED will provide the following information to the WTAC for its consideration:
1. Number of systems installed in New Mexico for treatment and dispersal systems, and list of manufacturer-certified installers and maintenance service providers in New Mexico.
 2. Effluent monitoring data collected within the past two years for installed treatment systems for at least five systems.
 3. A summary of systems which have failed or not met intended performance criteria and cause of failure or inability to meet intended performance criteria.
 4. An analysis of the overall performance of the system and its ability to meet performance criteria for treatment and dispersal systems.

Henceforth, the WTAC will recommend that renewed approvals be valid for seven years for advanced treatment products and ten years for dispersal products and treatment additives.

- G. Installation and Monitoring Matrices listed in the Appendix shows the minimum number of advanced treatment systems for which data shall be supplied by NMED to the WTAC. To the extent that data is available, NMED will provide:
- a. Effluent monitoring data for systems installed and permitted during the past two years.
 - b. Chronological graphs of the data.
 - c. A summary of system upsets or performance failures of which the Department is aware.
 - d. A discussion/analysis of the data with regard to overall performance of the product and its ability to provide treatment.
 - e. A list of manufacturer-certified installers and maintenance service providers who do business in New Mexico.

VIII. Changes in Product Design

If any modifications are made to an approved technology, the Manufacturer shall notify the Bureau Engineer prior to distribution of the modified product in the State of New Mexico. The Bureau Engineer will determine if the changes are subject to review by the WTAC based on the definition found in, Section IV.A.4 or Section IV.B.10. as applicable and will inform the Manufacturer.

IX. Performance

If NMED receives or collects information that an approved technology is not meeting appropriate performance criteria as described in Section IV, above, and all mechanisms provided in 20.7.3.901 NMAC have failed to remedy the problem, it may recommend that the product approval be re-evaluated by the WTAC.

Appendix: Installation and Monitoring Matrices

Installations	Experimental Status		Conditional Status		Standard Status	
	Treatment	Dispersal	Treatment	Dispersal	Treatment	Dispersal
Minimum Number	3	10	10	10	N/A	N/A
Maximum Number	10	20	100	100	N/A	N/A
Max Approval Time	30 Mo.	30 Mo.	60 Mo.	60 Mo.	7 Yr.	10 Yr.

System Monitoring	Experimental Status		Conditional Status		Standard Status	
	Treatment	Dispersal	Treatment	Dispersal	Treatment	Dispersal
Minimum Number	3	10	10	10	N/A	N/A
Minimum Time	12 Mo.	18 Mo.	12 Mo.	18 Mo.	N/A	N/A
Frequency	Quarterly	Quarterly	Semi-annually	Semi-annually	N/A	N/A

Notes:

1. All monitoring data is to be submitted in accordance with Section IV.
2. Experimental products may be installed on commercial sites provided the installation is engineered¹⁵ and approved in writing by the Manufacturer. Commercial sites shall not count towards the three minimum or against the ten maximum installations of advanced treatment systems required herein but must meet the monitoring and reporting requirements.

¹⁵ Sealed and signed by a Professional Engineer licensed to practice in New Mexico.