

**New Mexico Environment Department Wastewater Technical Advisory Committee
Product Review Process June 30, 2017**

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 shall recommend a product's approval or denial to the Secretary of the New Mexico Environment Department (NMED) and submit its recommendation to the Secretary for consideration.¹ The WTAC may recommend a product under experimental, conditional, or standard approval status. This document shall be reviewed by the WTAC every five years.

Part I

Submittals

101. 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 Part III, below, both in hardbound paper format and electronic portable document format (PDF). Submissions shall be delivered to the attention of the:

*Liquid Waste Program Manager
NMED Environmental Health Bureau
2540 Camino Edward Ortiz
Santa Fe, NM 87507*

102. Submittals² must be received at least ninety (90) days prior to the quarterly WTAC meeting at which review is sought. **Materials submitted to the WTAC and NMED, including confidential information, will be considered public records subject to disclosure pursuant to the Inspection of Public Records Act. The WTAC and NMED will not be responsible for keeping any information confidential.**

103. Product packages shall be reviewed by the Liquid Waste Program ("LWP") for completeness. A complete package will contain the information set forth in Part III, below.

¹ Additional information may be obtained from the Liquid Waste Program webpage at: <https://www.env.nm.gov/fod/LiquidWaste/>

² See Appendix A for additional information on the WTAC's product review timeline.

Product packages that are incomplete may be returned without further review. If, in the LWP's judgment, a product package is substantially complete, only missing minor collateral material/information, the LWP will notify the Manufacturer. If the missing collateral information is submitted to the LWP by the Manufacturer at least forty-five (45)³ days prior to the WTAC meeting, the product package will be considered complete. The LWP shall forward packages that are complete to the WTAC a minimum of thirty (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.

104. For applications seeking standard approval 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.

105. 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.⁴

Part II

Approval Types

201. After evaluation, the WTAC may recommend a product for approval or denial by the Secretary of the New Mexico Environment Department. WTAC recommendations shall be submitted to the Secretary within sixty (60) days of the WTAC's decision. Approval recommendations shall be for one of the following statuses:

202. Experimental Status:

³ See Appendix A for additional information on the WTAC's product review timeline.

⁴ See Appendix A for additional information on the WTAC's product review timeline.

- A. Allows the construction, operation, and monitoring of no more than ten (10) domestic liquid waste advanced treatment systems⁵ 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, in which case no liquid waste discharge permit is required.
- B. The WTAC advises the Applicant to install the systems at sites with differing elevations representative of the varied elevations within New Mexico, otherwise this may influence the WTAC's recommendations.
- C. Experimental drainfield systems may be installed on no more than ten (10) sites that otherwise could be permitted for conventional dispersal.
- D. All experimental advanced treatment installations must be monitored as set forth in Part IV, below, before advancement to conditional status will be recommended. Experimental Status will be recommended for a maximum of thirty (30) months. After the experimental period expires or upon request for advancement of approval status, monitoring data must be reported to the LWP within ninety (90) days for WTAC review.
- E. Experimental products may be installed on non-domestic⁶ sites provided the installation is engineered⁷, and approved in writing by the Manufacturer. Waste strengths exceeding domestic liquid waste shall not count towards the ten (10) maximum installations of advanced treatment systems required herein but must meet the monitoring and reporting requirements.
- F. The Applicant must provide a letter to the Homeowner that clearly describes the different types of approval and their limitations. The letter, with the Homeowner's signature acknowledging receipt, shall be sent to the NMED LWP. The Applicant shall base their letter on the sample in Appendix G.
- G. If at least three (3) domestic systems have been installed and monitored for more than one (1) year after the date approved by the Secretary, the Manufacturer may then request a recommendation from the WTAC that the product be advanced to Conditional Status. A request for advancement of approval status must be submitted to the LWP at least ninety

⁵ See Appendix F, Installation and Monitoring Matrices

⁶ "Non-domestic" is defined as wastewater that exceeds levels of 300 mg/l BOD, 300 mg/l TSS, 80 mg/l total nitrogen or 105 mg/l fats, oils and grease. Please refer to the definition of "domestic liquid waste" as defined in the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC.

⁷ Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying.

(90) days prior to the quarterly WTAC meeting at which approval for advancement is sought. This request must include all monitoring data and other requirements of the Secretary's approval, in addition to revised detailed descriptions and technical drawings for any revisions to the design, installation, or operation of the system that were different from those previously submitted as part of the Applicant's prior approval.

203. Conditional Status:

- A. Allows the permitting and installation of no more than thirty (30) domestic treatment systems (to include all domestic treatment systems from experimental status) on sites that may include limiting conditions requiring advanced treatment, but will not include sites requiring a variance.⁸ The systems must be installed in accordance with any conditions or limitations addressed in the Secretary's approval. If the Applicant plans to seek standard status approval throughout the state of New Mexico, the WTAC advises the Applicant to install the systems at sites with differing elevations representative of the varied elevations within New Mexico, otherwise limitations may be present.
- B. 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. The WTAC advises the Applicant to install the systems at sites with differing elevations representative of the varied elevations within New Mexico, otherwise this may influence the WTAC's recommendations.
- C. Conditional Status drainfield products may only be installed on no more than thirty (30) (to include all dispersal systems from experimental status) sites where conventional dispersal systems can be permitted.
- D. Conditional products may be installed on non-domestic sites provided the installation is engineered⁹, and approved in writing by the Manufacturer. Non-domestic sites shall not count towards the ten (10) minimum or against the thirty (30) maximum installations of advanced treatment systems required herein but must meet the monitoring and reporting requirements.

⁸ Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC.

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

- E. The Applicant must include a sample letter to the Homeowner to clearly inform them of the different types of approval and their limitations and to request the Homeowner's approval of the domestic system. The Applicant shall base their letter on the sample in Appendix G.
 - F. Conditional Status is granted for five (5) years upon approval by the NMED Secretary. Monitoring data, as required by liquid waste permits for the installed systems, must be reported to the LWP within ninety (90) days for WTAC review. 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 (1) year of Conditional Status.
204. Standard Status:
- A. Allows unlimited permitting and installation of the product throughout the jurisdiction of NMED. Tertiary treatment¹⁰ products will include an approved level of total nitrogen treatment.
 - B. The WTAC advises the Applicant to install the systems at sites with differing elevations representative of the varied elevations within New Mexico, otherwise this may influence the WTAC's recommendations.
 - C. Standard status is granted for seven (7) years upon approval of the NMED Secretary for treatment products or ten (10) years for dispersal products, after which time, the manufacturer must submit a Request for Renewal and a Design Modification Report as described in Part VII, below, to NMED at least six (6) months prior to the expiration of approval.

Part III

Product Package Contents

Product packages shall contain the following¹¹:

301. All Products:

¹⁰ Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC.

¹¹ Refer to Appendices D and E for a checklist of the application requirements.

- A. Product Review Application Cover sheet;
 - B. Applicant information – company name to include all current and former names associated with the entity, 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;
 - C. Type of approval being requested – Experimental Status, Conditional Status, or Standard Status, or modifications to an existing approval;
 - D. List all prior approvals from other states. Proof of approval may be requested. Please note any compliance-related issues and denial/approval issues that other states have addressed during their application review process. Also note if the product was decertified in any other state(s), and provide a detailed explanation on the state’s reasons for decertification. Include a contact name and number for each state where there were compliance- or decertified-related issues;
 - E. Process summary – written description of the function of the product and level of treatment claimed; and
 - F. Complete list of product models or configurations for which approval is sought.
302. Advanced Treatment Products - In addition to information required to be submitted under Section 301, above, an advanced treatment product package shall include the following items:
- A. Flow schematic and hydraulic profile clearly identifying each component and all flows, such as return flows, side flows, and surge flows;
 - B. Process discussion to substantiate performance claims;
 - C. Performance and process data collected and tested by an independent laboratory on a spreadsheet provided by NMED. See Appendix B, page 2;
 - D. Drawings, specifications, and installation instructions for the product, stamped by a Professional Engineer¹², with sufficient detail to allow (absent site specifics) for field construction by a contractor;¹³

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

¹³ NSF Certification Final Report drawings may meet this requirement.

- E. 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;
- F. Installation, Operation and Maintenance manuals for the product, including:
 - 1. Installation instructions;
 - 2. Operating instructions;
 - 3. A listing of all parts and electrical and mechanical equipment¹⁴;
 - 4. Maintenance and preventative maintenance procedures;
 - 5. Repair and replacement information from a list of distributors for experimental and conditional status approval, and a list of New Mexico distributors for standard status approval, who will be providing repair and replacement parts in New Mexico;
 - 6. A comprehensive troubleshooting guide; and
 - 7. O&M information for a vacation home or seasonal use facility.
- G. Product modifications that account for areas challenged by altitude, climate, temperature, influent water quality, and periodic or seasonal flow; and
- H. Disclosure of product limitations, in terms of inappropriate applications:
 - 1. Flow quantity – minimum, maximum, and periodic;
 - 2. Influent water characteristics;
 - 3. Climate/temperature/elevation;
 - 4. Siting/installation, including for clay or rocky soils; and
 - 5. Product limitation for a vacation home or seasonal use facility.
- I. Products with certification from ANSI-accredited organizations shall submit test results, test reports, and approval documents related to the certification.
- J. Products without certification from ANSI-accredited organizations shall:
 - 1. Report data from all sites installed under Conditional Status, with a minimum of 10 domestic installations;

¹⁴ 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.

2. Data must be for a period of at least one (1) year and in accordance with the liquid waste permit; and
 3. Data shall meet the criteria set forth in Section 401.C, below, and a report must be submitted that describes why any systems did not meet the criteria.
- K. Products that combine advanced treatment and dispersal must meet the treatment requirements of this section and the drainfield dispersal requirements in Part III, Section 303, below.
- L. Training program outline available to licensed contractors or maintenance service providers for installation and operation and maintenance.
303. Dispersal (Drainfield) Products - In addition to the information required to be submitted under Section 301, above, a drainfield product package shall include the following items:
- A. Drawings, specifications, and installation instructions for the product, stamped by a Professional Engineer¹⁵, with sufficient detail to allow (absent site specifics) for field construction by a contractor;
 - B. Product modifications that must be made to account for challenging environments, such as cold weather, soil types, elevation, difficult terrains, or structural capacity;
 - C. Copies of sales brochures, catalogs, and other promotional materials;
 - D. 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;
 - E. Surface Interface – Calculations showing the available contact surface area per unit volume of underdrain or bedding material available to dispersed flow;
 - F. Distribution Information – Testing data or calculations showing the hydraulic ability of the product to carry and distribute flow;
 - G. Structural Information – Testing data, photos, or calculations, stamped by a Professional Engineer¹⁶, 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, and maximum burial

¹⁵ Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying.

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depth. Meet performance criteria such as AASHTO H-10 for non-traffic areas or AASHTO H-20 for traffic areas, or apply an appropriate testing method acceptable to the LWP through consultation with a Department-approved Professional Engineer;

- H. For chambers, testing is 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 is to be performed in accordance with the International Association of Plumbing and Mechanical Officials (IAPMO) Guide Criteria 276-2011, or most recent version;
- I. Decay – List material data showing the product’s components will not decay, deteriorate, or leach chemicals in quantities that exceed the New Mexico Water Quality Control Commission ground water quality standards, as measured by both the TCLP and SPLP, EPA Methods 1311 and 1312, respectively; and
- J. Sizing Reduction – Dispersal products seeking a reduction allowance relative to conventional pipe and gravel drainfields shall also submit:
 - 1. Testing data and calculations demonstrating the functionality of the product when installed at the requested reduced drainfield size;
 - 2. Certification by a nationally recognized, independent third party;
 - 3. If a theoretical justification is used, the Manufacturer must submit a testing protocol to demonstrate functionality under the requested reduction; and
 - 4. Product limitations, such as unsuitable soil types, difficult terrains, structural capacity, or effluent quality requirements.
- K. Products that combine advanced treatment and dispersal must meet the dispersal requirements of this section and the advanced treatment requirements in Section 302, above.

304. Treatment Additives - In addition to the information required to be submitted under Section 301, above, a treatment additive product package will include the following items for consideration in accordance with the Liquid Waste Disposal and Treatment Regulations:

- A. Claims being made, including representative samples of advertising;
- B. List of ingredients;

- C. Material Safety Data Sheet (MSDS) for the product;
- D. Description of processes that are believed to be responsible for accomplishing the additive's desired effect;
- E. Description of any ancillary reactions or processes caused or catalyzed by the additive;
- F. The product application protocol; and
- G. Test results as ordered by the NMED and/or requested by the WTAC.

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

- A. Product performance or evaluation reports prepared by entities other than the Manufacturer;
- B. Articles in peer-reviewed professional publications that address the product;
- C. Handouts and audio/visual presentations to be used during the WTAC presentation; and
- D. Other material.

Part IV

Review Metrics

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

401. Treatment Products:

- A. ANSI/NSF Certified Products
 - 1. Products that have been certified by an ANSI-accredited organization as providing Class 1 treatment pursuant to ANSI/NSF Standard 40 must conform with the contents in Section 302, above, and shall be deemed capable of performing secondary treatment and recommended for Standard Status, which may or may not include additional limitations or conditions.
 - 2. 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, which may or may not include additional limitations or conditions, 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 401.B and 401.C, below.

- B. 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 401.C, below, as demonstrated by the following:
1. Results from a monitoring program as described in Appendix F; and
 2. Sampling Procedures and Analysis
 - a. Sample collection, field, and lab analysis shall be conducted according to procedures identified in one of the following:
 - i. *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;
 - ii. *Methods and Guidance for the Analysis of Water*, U.S. Environmental Protection Agency;
 - iii. *Techniques of Water-Resources Investigations*, U.S. Geological Survey;or
 - iv. Other appropriate methods as approved by NMED.
 - b. Chain of custody documentation must be included with all test data. The Applicant must include the instrument, operation and maintenance manual, and calibration logs.
 - c. Sample analysis must be performed by an appropriately certified independent laboratory.
 - d. The product package must specify which test methods were used.

3. Required Analyses¹⁷ for Non-ANSI/NSF Approved Products

Required Analyses¹⁷ for Non-ANSI/NSF Approved Products	
<i>Field Parameters for Secondary or Tertiary Treatment</i>	
INFLUENT	EFFLUENT
pH	pH
Temperature	Temperature
	DO

<i>Laboratory Parameters for Secondary Treatment</i>	
INFLUENT	EFFLUENT
BOD ₅ or COD	BOD ₅ or COD
TSS	TSS

<i>Laboratory Parameters for Tertiary Treatment</i>	
INFLUENT	EFFLUENT
BOD ₅ or COD	BOD ₅ or COD
TSS	TSS
TKN	TKN
Alkalinity	Alkalinity
	Nitrates

<i>Laboratory Parameters for Disinfection Treatment</i>	
EFFLUENT	
E. Coli	

C. Non ANSI/NSF approved products may apply for Standard Status if they meet the treatment levels shown below:

1. Secondary treatment

- a. The average of twelve (12) consecutive monthly¹⁸ sample results of 30 mg/L BOD or less, with no single sample greater than 60 mg/L; or
- b. The average of twelve (12) consecutive monthly sample results of 80 mg/L COD or less, with no single sample greater than 110 mg/L; and
- c. The average of twelve (12) consecutive monthly sample results of 30 mg/L TSS or less, with no single sample greater than 60 mg/L.

¹⁷ Either BOD₅ or COD are acceptable, but the same method must be used for both influent and effluent data.

¹⁸ There must be at least ten (10) days between each sample that is collected.

- d. If any single sample exceeds the limits noted in sub-paragraphs a, b, or c above, the manufacturer must provide a written explanation to the WTAC for consideration.
 - 2. Tertiary treatment:¹⁹
 - a. The average of twelve (12) consecutive monthly sample results with TKN plus nitrate removal being greater than fifty percent;
 - b. Manufacturers of tertiary treatment systems wishing to qualify for TKN plus nitrate removal greater than fifty percent must submit twelve (12) consecutive monthly sample results with no single result being greater than fifty percent above the average. Approval will be given for the average demonstrated TKN plus nitrate concentration plus twenty percent of the average.
 - 3. Disinfection treatment: shall achieve the requirements of 20.7.3.604 NMAC.
- D. 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 401.A, above. “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.
- E. Homeowner, contractor, and maintenance provider complaints received by the Department will also be reviewed as part of the approval process. The WTAC will provide notice to the Applicant of any homeowner, contractor, and maintenance provider complaints received by the Department. The Applicant will have the opportunity to respond during the product review process or during a regularly scheduled WTAC meeting.

¹⁹ 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.

402. Dispersal Products: Drainfield products will be reviewed for their dependability and performance with reference to conventional pipe and gravel drainfields.

- A. Product submittal information, as described in Section 303 Items A through K, above, 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.
- B. 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.
- C. 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 those states' evaluations and certifications within the limits allowed by NMED regulations in 20.7.3 NMAC; performance data must be submitted from one (1) or more of these states on at least ten (10) systems which have been in operation for at least three (3) years.
- D. Reductions in 402.B and C, above, will be verified by a Professional Engineer²⁰ of the manufacturer's choosing.
- E. 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 Engineer²¹, 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.
- F. New products which have not been evaluated by ANSI/NSF and those that have not been approved in the states identified in Section 402.C, above, must demonstrate performance

²⁰ Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying.

²¹ Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying.

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 Appendix F.

- G. 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 Appendix F.
1. System design including estimated flows, drainfield design parameters, and estimated hydraulic loading rate;
 2. Site conditions – location, elevation, lot size, depth to ground water or bedrock, soil type (based on certified lab test results)²², slope, type of treatment provided; and
 3. Results of independent third-party inspection during most recent monsoon season (July 15 to September 15) by individuals qualified under NMED regulations 20.7.3 NMAC. Inspection report shall include photographs and a discussion of whether there is evidence of surfacing wastewater or drainfield collapse.
- H. To upgrade approval status the systems evaluated in Section 402.F, above, 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 fifty percent of the systems and no fewer than ten (10), 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. The manufacturer is encouraged to install systems in a variety of soil types.
- I. During an Experimental Status or Conditional Status approval period, the Applicant must report within seventy-two (72) hours to the LWP, all instances of drainfield failure, surfacing sewage, and back up of sewage. If the Applicant fails to report within seventy-two (72) hours, the Applicant may jeopardize future recommendations of the WTAC. 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.

²² Refer to 20.7.3.703 NMAC of the Liquid Waste Disposal and Treatment Regulations for soil testing requirements.

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.

- J. 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.

403. 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 401 or 402, above, as appropriate. The WTAC will not make a recommendation for treatment additives but may make a finding that they do not cause harm.

Part V

Products Approved by NMED Prior to WTAC

501. 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.²³

502. The Manufacturer shall submit a product package according to Part III, above. The information will be reviewed by the WTAC in accordance with the review process set forth herein.

²³ The WTAC is considered to have been formed on June 20, 2003, the effective date of NMSA 1978 § 9-7A-15 .

Part VI

Products with Conditional or Experimental Status

601. 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 Appendix F, 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.

602. An abbreviated product package shall be submitted by the Manufacturer. The abbreviated package shall include any modifications of the product as defined in Section 704, below. 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.

603. After reviewing the product package, the WTAC will recommend to the Secretary any changes in product status it deems appropriate.

604. 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 401, above, 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 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.²⁴

605. If an Experimental or Conditional Status approval has not been exercised within thirty (30) 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.

Part VII

Periodic Review and Renewal

701. All on-site advanced wastewater treatment, dispersal, and treatment additive products approved by the NMED Secretary with Standard Status pursuant to the statute establishing creation of the WTAC (NMSA 1978 § 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.

- A. Advanced treatment product approvals must be renewed by the Secretary every seven (7) years.
- B. Dispersal product and treatment additive approvals must be renewed by the Secretary every ten (10) years.

702. Manufacturers wishing to renew the approval of their products must submit an Application for Renewal and a Design Modification Report to the LWP at least six (6) months prior to the approval expiration date. The LWP will endeavor to notify Manufacturers at least nine (9) months prior to the expiration of approval, but failure of LWP to do so does not relieve a

²⁴ 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.

Manufacturer of the obligation to submit an Application for Renewal and Design Modification Report at least six (6) months prior to the approval expiration date.

703. The Application for Renewal must include:

- A. All products must submit the information required in Part III Section 301 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 have been made for the items requiring a response in Sections 302, 303, and 304, above, as applicable.
- B. For products that have been certified by ANSI/NSF or another certifying body, the manufacturer shall provide documentation of the most recent certification.
- C. For treatment systems, the Manufacturer shall provide the most recent information requested in Sections 302.F through H of this document.

704. A Design Modification Report shall be submitted at the same time as the Application for Renewal. The Design Modification Report shall include a detailed description of all modifications to the treatment system, dispersal product, or treatment additive made since its approval or prior renewal.

- A. 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.
- B. The Design Modification Report must provide an analysis and statement by a Professional Engineer²⁵ that the modifications will not diminish performance of the system as compared to the performance criteria established in the approval.

²⁵ Licensed by a state or member jurisdiction of the National Council of Examiners for Engineering and Surveying.

- C. 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.

705. For a standard status approval to be eligible for renewal, at least five (5) systems must have been installed in New Mexico since product approval or prior renewal by the Secretary.

706. In addition to the Application for Renewal and Design Modification Report, the Applicant shall supply the following information to the WTAC for its consideration:

- A. 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;
- B. Effluent monitoring data collected within the past two (2) years for installed treatment systems for at least five (5) systems;
- C. A summary of systems which have failed or not met intended performance criteria, and cause of failure or inability to meet intended performance criteria; and
- D. An analysis of the overall performance of the system and its ability to meet performance criteria for treatment and dispersal systems.

707. Henceforth, the WTAC will recommend that renewed approvals be valid for seven (7) years for advanced treatment products and ten (10) years for dispersal products.

708. Installation and Monitoring Matrices listed in Appendix F show 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 (2) 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; and

- E. A list of manufacturer-certified installers and maintenance service providers who do business in New Mexico.

Part VIII

Changes in Product Design

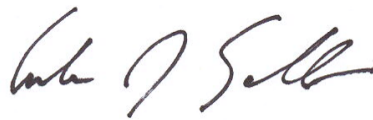
If any modifications are made to an approved technology, the Manufacturer shall notify the LWP prior to distribution of the modified product in the State of New Mexico. The LWP will determine if the changes are subject to review by the WTAC based on the definition found in Section 401.D or Section 402.I, above, as applicable, and will inform the Manufacturer. The LWP may consult with an NMED Professional Engineer.

Part IX

Performance

If NMED receives or collects information that an approved technology is not meeting appropriate performance criteria as described in Part 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.

Adopted and issued by the Wastewater Technical Advisory Committee on June 30, 2017.



Andrew Schuler, Chair



Tasks	Completed By <i>All "days" are calendar days</i>
Manufacturer Submits Complete Application and Submittal Packages to NMED	90 days prior to WTAC Meeting
NMED Reviews product for completeness	60 days prior to WTAC Meeting
If minor or collateral information is missing, all manufacturer info must be received by NMED. If not received, the Application will be returned to manufacturer	45 days prior to WTAC Meeting
For Complete Submittals, NMED drafts recommendation letter to WTAC and mails packages to WTAC members	30 days prior to WTAC Meeting
NMED OGC drafts Notice of Open Meeting and Agenda; approved by WTAC Chair and Posted by OGC in Secretary's office and EHB LW Program Manager on LW	21 days prior to WTAC Meeting
Agenda can be changed and notice of such change shall be posted	72 hours prior to meeting
WTAC Meeting <ul style="list-style-type: none"> • Product Representative: 20 minutes (maximum) • NMED Presentation: 20 minutes (maximum) • Comments from attendees: 10 minutes (maximum) • Product Representative Rebuttal/Response: 10 minutes (maximum) 	Meeting Held
WTAC recommendations sent to NMED Secretary	60 days after WTAC meeting



You must provide all requested information below or your application submittal will be considered incomplete. Please refer to Appendix A for WTAC submittal timelines.

1. Type of Approval that you are Applying For	
<input type="checkbox"/> Experimental <input type="checkbox"/> Conditional <input type="checkbox"/> Standard <input type="checkbox"/> Modification to an Existing Approval	
2. Company Information	
Company Name:	Mailing Address:
Name of Responsible Person:	Title of Responsible Person
Contact Person:	Physical Address:
Phone:	E-mail:
Fax:	Website Address:
3. Product Models and Configurations	
Provide a complete list of all product models and configurations for which approval is sought.	
4. Local Distributor Information	
How Many local Distributors will you have?	Which geographic areas of NM will they cover?
Have you attached a list of your local distributors which includes the following information: Company name of distributor, contact person, physical address, mailing address, phone number, fax number and the geographic areas of New Mexico that they will cover	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Certified Trainers	
Name and Title of Certified Trainers for your ATS product and how long they have been a certified trainer for your ATS product?	
Have you attached your written training and certification program for installers and MSPs? (Required by NMED)	<input type="checkbox"/> YES <input type="checkbox"/> NO
Do you understand that it is the responsibility of the manufacturer to provide annual training to all their certified MSPs and installers?	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. Maintenance Service Provider Information	
How many certified and active Installers and MSPs do you currently have in the state?	
Have you attached a Letter of Intent which states your intentions for: 1. How many certified installers and MSPs you plan to have in the state; and 2. Will the MSPs cover all geographic areas where your ATSs will be installed?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Do all your MSPs and installers have one of the following types of CID licenses with the state of New Mexico? (MM-1, MM-98, MS-1, MS-3)	<input type="checkbox"/> YES <input type="checkbox"/> NO
Have you attached a list of Active MSPs who have been certified by your certified trainer? (This should include the individual's name, CID license type and number, and a certification showing the date of the training and signed by your certified trainer)	<input type="checkbox"/> YES <input type="checkbox"/> NO
7. Checklists	
Have you attached Appendix C- WTAC ATS Submittal Checklist?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
8. Signatures	
The information contained in this application and submittal package is correct and true to the best of my knowledge. The presentation of faulty, misleading or inaccurate information will result in a denial of this application.	
_____	_____
Printed Name of company Responsible Company Representative	Signature
	Date



You must provide all requested information below or your application submittal will be considered incomplete. Please refer to Appendix A for WTAC submittal timelines.

1.	Type of Approval that you are Applying For	
	<input type="checkbox"/> Experimental <input type="checkbox"/> Conditional <input type="checkbox"/> Standard <input type="checkbox"/> Modification to an Existing Approval	
2	Company Information	
	Company Name:	Mailing Address:
	Name of Responsible Person:	Title of Responsible Person
	Contact Person:	Physical Address:
	Phone:	E-mail:
	Fax:	Website Address:
3.	Product Models and Configurations	
	Provide a complete list of all product models and configurations for which approval is sought.	
4	Local Distributor Information	
	How Many local Distributors will you have?	Which geographic areas of NM will they cover?
	Have you attached a list of your local distributors which includes the following information: Company name of distributor, contact person, physical address, mailing address, phone number, fax number and the geographic areas of New Mexico that they will cover	<input type="checkbox"/> YES <input type="checkbox"/> NO
5	Checklists	
	Have you attached Appendix E- WTAC Dispersal Products Submittal Checklist	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
6	Signatures	
	The information contained in this application and submittal package is correct and true to the best of my knowledge. The presentation of faulty, misleading or inaccurate information will result in a denial of this application.	
	Printed Name of company Responsible Company Representative	Signature
		Date



NOTE: This checklist is an abbreviated tool provided to assist you in submitting a complete application process. For complete details on product submittals and the review process please refer to the Wastewater Technical Advisory Committee's Product Review Process.

You must provide all requested information below or your application submittal will be considered incomplete.

ATS Submittal Package Checklist		ATS Manufacturer	NMED Verification
1	Has the manufacturer submitted one original and six copies of the product package, BOTH in hard-bound paper format and electronic portable document format (PDF)?	[] YES [] NO	[] YES [] NO
2	Includes flow schematics and hydraulic profile clearly identifying each component and all flows, such as return flows and surge flows?	[] YES [] NO	[] YES [] NO
3	Includes a written description of the function of the product and the level of treatment claimed?	[] YES [] NO	[] YES [] NO
4	Includes performance and process data collected and tested by an independent laboratory presented in a format that is approved by NMED?	[] YES [] NO	[] YES [] NO
5	Includes drawings and specifications and installation instructions for the product, stamped by a Professional Engineer with sufficient detail to allow (absent site specifics) for field construction by a contractor	[] YES [] NO	[] YES [] NO
6	Includes structural analyses of all treatment units, and pump tanks demonstrating compliance with the relevant paragraphs of Section 501 of the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC.	[] YES [] NO	[] YES [] NO
7a	Includes Installation, Operation and Maintenance manuals for the product	[] YES [] NO	[] YES [] NO
b	Manuals include installation instructions	[] YES [] NO	[] YES [] NO
c	Manuals Include operating instructions including the operation for vacation homes and seasonal-use facilities	[] YES [] NO	[] YES [] NO
d	Manuals include a listing of all parts and electrical and mechanical equipment	[] YES [] NO	[] YES [] NO
e	Manuals include maintenance and preventative maintenance procedures	[] YES [] NO	[] YES [] NO
f	Manuals include repair and replacement information	[] YES [] NO	[] YES [] NO
g	Manuals include a comprehensive troubleshooting guide	[] YES [] NO	[] YES [] NO
h	Sampling Protocol (SOP)	[] YES [] NO	[] YES [] NO
8	Includes product modifications that must be made to account for challenging environments, such as cold weather and high elevation	[] YES [] NO	[] YES [] NO
9a	Disclosure of product limitations, in terms of inappropriate applications	[] YES [] NO	[] YES [] NO
b	Includes flow quantity- minimum, maximum and periodic	[] YES [] NO	[] YES [] NO
c	Includes influent wastewater characteristics	[] YES [] NO	[] YES [] NO
d	Includes climate/temperature/elevation	[] YES [] NO	[] YES [] NO
e	Includes siting installation including the installation in clay or rocky soils	[] YES [] NO	[] YES [] NO
f	Includes product performance or evaluation reports prepared by entities other than the manufacturer	[] YES [] NO	[] YES [] NO
g	Articles in peer-reviewed professional publications that address this product	[] YES [] NO	[] YES [] NO
h	Handouts and audio/visual presentations to be used during the WTAC presentation	[] YES [] NO	[] YES [] NO

See page 2



10	ANSI-Accredited Products Only- Products with certification from ANSI-accredited organization shall submit test results, test reports and approval documents related to the certification	[] YES [] NO [] N/A	[] YES [] NO [] N/A
11	All products shall submit a list of other states that have approved the use of this product in their state and attach approval letters with conditions	[] YES [] NO [] N/A	[] YES [] NO [] N/A
12a	NON ANSI-Accredited Products Only- Report data from all sites installed under Conditional Status, with a minimum of 10 domestic installations	[] YES [] NO [] N/A	[] YES [] NO [] N/A
b	Report data from all sites installed under Conditional Status, with a minimum of 10 domestic installations	[] YES [] NO [] N/A	[] YES [] NO [] N/A
c	Data must be for a period of at least one year (from the date of the secretary's approval) and in accordance with the liquid waste permit	[] YES [] NO [] N/A	[] YES [] NO [] N/A
d	Data shall meet the criteria set forth in IVA3 below	[] YES [] NO [] N/A	[] YES [] NO [] N/A
I	<u>Secondary Treatment:</u> The average of 12 consecutive monthly sample results of 30 mg/l BOD or less; with no single sample greater than 60 mg/l	[] YES [] NO [] N/A	[] YES [] NO [] N/A
II	<u>Secondary Treatment:</u> The average of 12 consecutive monthly sample results of 80 mg/l COD or less; with no single test greater than 110 mg/l	[] YES [] NO [] N/A	[] YES [] NO [] N/A
III	<u>Secondary Treatment:</u> the average of 12 consecutive monthly sample results of 30 mg/l TSS or less; with no single sample greater than 60 mg/l	[] YES [] NO [] N/A	[] YES [] NO [] N/A
IV	<u>Tertiary Treatment:</u> the average of 12 consecutive monthly sample results with TKN plus nitrate removal being greater than 50 percent	[] YES [] NO [] N/A	[] YES [] NO [] N/A
V	<u>Tertiary Treatment:</u> If manufacturer of tertiary treatment systems wishing to qualify for TKN plus nitrate removal >50% must submit 12 consecutive monthly sample results with no single result being greater than 50% above the average. Approval will be given for the average demonstrated TKN plus nitrate concentration plus 20% of the average	[] YES [] NO [] N/A	[] YES [] NO [] N/A
VI	<u>Disinfection:</u> shall provide treated effluent that shall not exceed 126 CFUs of E. Coli bacteria per 100 ml	[] YES [] NO [] N/A	[] YES [] NO [] N/A
e	A report must be submitted that describes why any systems did not meet the criteria	[] YES [] NO	[] YES [] NO
13	A list of all distributors, certified trainers and maintenance service providers including names, companies, mailing addresses, physical addresses, phone numbers and e-mail addresses. For MSPs identify the geographic areas that they will cover.	[] YES [] NO	[] YES [] NO
14	Attach all prior approvals from other states along with the approval letters from the state and any decertifications of a product from other states	[] YES [] NO	[] YES [] NO



NOTE: This checklist is an abbreviated tool provided to assist you in submitting a complete application process. For complete details on product submittals and the review process please refer to the Wastewater Technical Advisory Committee's Product Review Process. You must provide all requested information below or your application submittal will be considered incomplete.

Dispersal Product Submittal Package Checklist		ATS Manufacturer	NMED Verification
1	Has the manufacturer submitted one original and six copies of the product package, BOTH in hard-bound paper format and electronic portable document format (PDF)?	[] YES [] NO [] N/A	[] YES [] NO [] N/A
2	Includes drawings and specifications and installation instructions for the product, stamped by a Professional Engineer with sufficient detail to allow (absent site specifics) for field construction by a contractor. This shall include the maximum burial depth.	[] YES [] NO [] N/A	[] YES [] NO [] N/A
3	Includes product modification that must be made to account for challenging environments, such as cold weather and high elevation Do these apply to dispersal products or should it be soil type, terrain, etc.	[] YES [] NO [] N/A	[] YES [] NO [] N/A
4a	Includes copies of sales brochures, catalogs and other promotional materials	[] YES [] NO [] N/A	[] YES [] NO [] N/A
b	Includes product performance or evaluation reports prepared by entities other than the manufacturer	[] YES [] NO [] N/A	[] YES [] NO [] N/A
c	Articles in peer-reviewed professional publications that address this product	[] YES [] NO [] N/A	[] YES [] NO [] N/A
d	Handouts and audio/visual presentations to be used during the WTAC presentation	[] YES [] NO [] N/A	[] YES [] NO [] N/A
5	Includes 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	[] YES [] NO [] N/A	[] YES [] NO [] N/A
6	Includes Surface Interface Information- calculations showing the available contact surface area per unit volume of underdrain or bedding material available to dispersal flow	[] YES [] NO [] N/A	[] YES [] NO [] N/A
7	Includes Distribution Information- testing date or calculations showing the hydraulic ability of the product to carry and distribute flow	[] YES [] NO [] N/A	[] YES [] NO [] N/A
8	Includes 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 inadvertent over-passing of vehicles and 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 by the department.	[] YES [] NO [] N/A	[] YES [] NO [] N/A
9	For Chambers, testing shall be performed in accordance with the IAPMO procedures in Section 6 of Material and Property Standard for Plastic Leaching Chambers, IAMPPO PS 63-2005, or most recent version	[] YES [] NO [] N/A	[] YES [] NO [] N/A
10	For Bundled Expanded Polystyrene Synthetic Aggregate Units, testing shall be performed in accordance with the IAPMO Guide Criteria 276-2011, or most recent version	[] YES [] NO [] N/A	[] YES [] NO [] N/A
11	Includes Decay Information- 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 NM Water Quality Control Commission ground water quality standards, as measured by both the TCLP and SPLP, EPA methods 1311 and 1312, respectively. Alternatively, applicant may submit data from a long term use that demonstrates these standards will not be exceeded in groundwater, or alternate criteria to the department	[] YES [] NO [] N/A	[] YES [] NO [] N/A
12	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	[] YES [] NO [] N/A	[] YES [] NO [] N/A
b	Certification by a nationally recognized, independent third party	[] YES [] NO [] N/A	[] YES [] NO [] N/A
c	If a theoretical justification is used, the Manufacturer must submit a testing protocol to demonstrate functionality under the requested reduction	[] YES [] NO [] N/A	[] YES [] NO [] N/A
d	Product limitations, such as unsuitable soil types, difficult terrains, structural capacity, maximum burial depth or effluent quality requirements	[] YES [] NO [] N/A	[] YES [] NO [] N/A



13	If 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	[] YES [] NO [] N/A	[] YES [] NO [] N/A
b	Site conditions- location, elevation, size, lot size, depth to ground water or bedrock, soil type, type of treatment provided	[] YES [] NO [] N/A	[] YES [] NO [] N/A
c	Results of independent 3 rd party inspection by individuals qualified under NMED regulations 29.7.3 NMAC during most recent monsoon season (July 15 – Sep 15). Inspection reports shall include photographs & discussion of whether there is evidence of surfacing wastewater or drainfield collapse	[] YES [] NO [] N/A	[] YES [] NO [] N/A
d	The Manufacturer 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 10% of the systems and no fewer than ten ports, no continuous accumulation of standing liquid exceeding 50% of the product height in the drainfield which are caused by poor performance of the dispersal product and not to improper disposal materials in the liquid waste system or to hydraulic overload or other misuses	[] YES [] NO [] N/A	[] YES [] NO [] N/A



Installations	Experimental Status		Conditional Status		Standard Status	
	Treatment	Dispersal	Treatment	Dispersal	Treatment	Dispersal
Minimum Number Required for Next Level	3	3	10	10	N/A	N/A
Maximum Number Allowed for this Level	10	10	30	30	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 Required for Next Level	3	3	10	10	N/A	N/A
Minimum Time Required for Next Level	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 of Product Review Process.
2. Experimental products may be installed on non-domestic sites provided the installation is engineered¹ and approved in writing by the Manufacturer. Non-domestic 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.

¹ Sealed and signed by a Professional Engineer licensed to practice in New Mexico.



Dear Homeowner:

This letter is to inform you of the installation of [Model Name of the domestic system] at your residence. The New Mexico Wastewater Treatment Advisory Committee (WTAC) evaluated the [Model Name of the domestic system] on [date] and recommended [Proposed Status Level] approval to the Secretary of the New Mexico Environment Department (NMED). The NMED Secretary approved the [Model Name of the domestic system] on [date] for [approval type].

For your information, approval recommendations may be one of the following statuses: (1) experimental status; (2) conditional status; or (3) standard status. Please refer to page 2 of this letter for a more thorough explanation of each status and the associated limitations. All domestic systems may be recommended subject to conditions that allow the limited use of the product in areas challenged by altitude, climate, temperature, influent water quality, and periodic or seasonal flow. The systems will be installed in accordance with any conditions or limitations addressed in the NMED Secretary’s approval. A copy of the NMED Secretary’s Order with all of the associated conditions will be provided upon request.

While granting approval for installation and use of [Model Name of the domestic system], neither NMED nor the WTAC have approved of any marketing, advertising, or labeling practices employed by [manufacturer], nor have NMED or the WTAC endorsed or concurred with any claims made by [manufacturer]. Improper installation, operation, or maintenance of [Model Name of domestic waste system] may cause it to fail to function properly, which may include failure to meet treatment performance criteria. The NMED Secretary’s approval does not impart or imply any guarantee that [Model Name of domestic system] will function properly. Malfunctioning liquid waste treatment and disposal systems may result in hazards to public safety, health, and welfare; degradation of water quality; and violation of applicable Liquid Waste Disposal and Treatment regulations and standards, 20.7.3 NMAC.

[Manufacturer description of product]

If the product does not perform as claimed, then you may wish to contact the manufacturer or consult your own legal counsel to seek legal recourse through the judicial system.

[Closing]

If you have any questions, please contact the Liquid Waste Program at 505-476-9125.

I hereby authorize the installation of [Model Name].

Signature

Date



Approval Statuses

- (1) Experimental status allows for the installation of no more than ten (10) domestic liquid waste 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 system. All experimental advanced treatment installations must be monitored before advancement to conditional status will be recommended. Experimental status will be recommended for a maximum of 30 months.

- (2) Conditional Status allows for the installation of no more than thirty (30) domestic liquid waste advanced treatment systems on sites that may include limiting conditions requiring advanced treatment, but will not include sites requiring a variance. 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. Conditional status is granted for five (5) years upon approval by the NMED Secretary. The WTAC may recommend the product be advanced to Standard status after one year of conditional status upon consideration of the monitoring data.

- (3) Standard status for domestic systems allows the unpermitted permitting and installation of the product throughout the jurisdiction of NMED. Standard status is granted for seven (7) years for treatment products or ten (10) years for dispersal products, after which time, the manufacturer must submit a Request for Renewal and a Design Modification Report to NMED prior to the expiration of approval.