

7083.4080 PROPRIETARY DISTRIBUTION PRODUCTS; PROCESS AND REQUIREMENTS.

Subpart 1. **Proprietary media.** Manufacturers shall obtain registration of their proprietary media with the commissioner by submitting a complete application in the format prescribed by the commissioner, including:

A. the manufacturer's name, mailing address, street address, and telephone number;

B. the contact individual's name, title, mailing address, street address, and telephone number. The contact individual must be vested with the authority to represent the manufacturer in this capacity;

C. the name, including specific brand and model, of the proprietary distribution product;

D. a description of the function of the distribution medium along with any known limitations on its use;

E. a description of the medium and technical information, including schematics; materials and characteristics; component design specifications; design capacity; volumes and flow assumptions and calculations; components; and dimensioned drawings, photos, application, and use;

F. siting and installation requirements;

G. a detailed description, procedure, and schedule of routine service and system maintenance events;

H. identification of information requested to be protected from disclosure of trade secrets;

I. copies of product brochures and manuals, such as sales, promotional, design, installation, operation, and maintenance materials and homeowner instructions;

J. a quantitative description of the trench-bottom and sidewall absorption area or sizing criteria for drip dispersal systems for each model seeking registration. Manufacturers' quantitative description of the absorption area must be based on the surface area of the product that infiltrates effluent into the soil;

K. all available product testing results, including a listing of state approvals and denials;

L. a statement from a licensed professional engineer that certifies the technology meets the standards established in part 7083.4070;

M. a signed and dated certification by the manufacturer's senior executive or agent, specifically including the following statement: "I certify that I represent (INSERT

MANUFACTURING COMPANY HERE) and I am authorized to prepare or direct the preparation of this application for registration. I attest, under penalty of law, that this document and all attachments are true, accurate, and complete.";

N. a signed and dated certification from the licensed professional engineer including the statement: "I certify that I represent (INSERT PROFESSIONAL ENGINEERING FIRM NAME) and that I am authorized to certify the performance for the proprietary distribution product presented in this application. I attest, under penalty of law, that the technology report is true, accurate, and complete."; and

O. a technology review fee if allowed by law.

Subp. 2. **Proprietary media products.** Manufacturers shall submit proprietary media products for registration to the commissioner. Products within a single series or model line sharing distinct similarities in design, materials, and capabilities are allowed to be registered under a single application. Products outside of the series or model line must be registered under separate applications.

Subp. 3. **Commissioner review.** Upon receipt of the application, the commissioner shall:

A. review the application and verify the application for compliance with subpart 1;

B. if the application is not in compliance with subpart 1, return the application for resubmittal with the requested information for full compliance with subpart 1; or

C. if the application is complete and the commissioner determines that the product meets or exceeds all applicable protocols, the commissioner shall place the product on the list of distribution products. The list of registered distribution products will be maintained on the agency Web site.

Subp. 4. **Duration of registration.** Registrations are valid for up to three years, expiring on December 31 of the third year of registration, unless the product is recalled for any reason, found to be defective, or no longer available.

Subp. 5. **Renewal.** To renew a proprietary distribution product registration, a manufacturer shall:

A. submit a request for renewal of product registration at least 30 days before the current registration expires, using the form or in the format prescribed by the commissioner; and

B. provide an affidavit to the commissioner certifying whether the product has changed over the previous three years. If the product has changed, the affidavit must include a full description of the changes and how the changed product fulfills the requirements for initial registration.

Subp. 6. **Commissioner review.** As part of the product registration renewal, the commissioner shall:

A. request field assessment comments from local units of government no later than October 31 for product renewal;

B. discuss with the Technical Advisory Panel of the advisory committee established under part 7083.6000 any field assessment information that affects product registration renewal;

C. notify the manufacturer of any product to be discussed with the Technical Advisory Panel, prior to discussion with the panel, regarding the nature of comments received; and

D. renew, modify, or deny the product registration based on information received during the renewal process.

Subp. 7. **List.** The commissioner shall maintain a list of readily available proprietary distribution products meeting the registration requirements established in this part. The product registration is a condition of approval for use.

Subp. 8. **Manufacturer information.** A manufacturer shall have readily accessible information, specific to a product's registered use in Minnesota, for designers, regulators, system owners, and other interested parties about the product, including but not limited to:

A. a product manual;

B. design instructions;

C. installation instructions;

D. information regarding operation and maintenance;

E. system owner instructions; and

F. a list of representatives and manufacturer-certified service providers, if any.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*