

1 Pollution Control Agency
2 Adopted Permanent Rules Relating to Individual Sewage Treatment
3 Systems

4 7080.0020 DEFINITIONS.

5 [For text of subps 1 to 13, see M.R.]

6 Subp. 13a. **Distinct.** "Distinct" means a soil color that
7 varies from another color that is not faint as described in
8 subpart 16i.

9 [For text of subps 14 to 16h, see M.R.]

10 Subp. 16i. **Faint.** "Faint" means a soil color with the
11 same hue as another soil color but varies from the other color
12 by two or less units of value and not more than one unit of
13 chroma, or a soil color that differs from another soil color by
14 one hue and by one or less units of value and not more than one
15 unit of chroma, or a soil color that differs from another soil
16 color by two units of hue with the same value and chroma.

17 [For text of subps 17b to 28d, see M.R.]

18 Subp. 28e. **Redoximorphic features.** "Redoximorphic
19 features" means a color pattern in a soil, due to saturated soil
20 conditions, due to loss (depletion) or gain (concentration) of
21 pigment compared to the matrix color, formed by
22 oxidation/reduction of iron and/or manganese coupled with their
23 removal, translocation, or accrual; or a soil matrix color
24 controlled by the presence of ferrous iron. They are described
25 in part 7080.0110, subpart 4, item D, subitem (5).

26 [For text of subp 28g, see M.R.]

27 Subp. 29a. **Seasonally saturated soil.** "Seasonally

1 saturated soil" means the highest elevation in the soil that is
2 in a reduced chemical state due to soil pores filled with water
3 causing anaerobic conditions. Saturated soil is determined by
4 the presence of redoximorphic features in conjunction with other
5 established indicators as specified in part 7080.0110, subpart
6 4, item D, subitem (5), units (d) and (e), or determined by
7 other scientifically established technical methods or empirical
8 field measurements acceptable to the permitting authority in
9 consultation with the commissioner.

10 [For text of subps 29b to 54, see M.R.]

11 7080.0110 DESIGN PHASE I: SITE EVALUATION.

12 [For text of subps 1a and 2a, see M.R.]

13 Subp. 4. Field evaluation. A field evaluation shall
14 consist of the items described in items A to F.

15 [For text of items A to C, see M.R.]

16 D. Soil description. Each soil observed at the
17 proposed soil treatment area shall be evaluated under adequate
18 light conditions with the soil in a moist state for the
19 characteristics in subitems (1) to (8).

20 [For text of subitems (1) to (4), see M.R.]

21 (5) Depth to the seasonally saturated soil for
22 new construction or replacement as determined by redoximorphic
23 features and other indicators, as determined in units (a) to (d):

24 (a) in subsoil and parent material,

25 redoximorphic features include:

26 i. distinct iron accumulations or

27 distinct iron depletions as described in part 7080.0020, subpart

1 13a; or

2 ii. a gleyed or depleted soil matrix
3 or mottled color having a chroma of two or less or a depleted
4 matrix or mottled color having a hue of 5Y and a chroma of three
5 or less; or

6 iii. faint redoximorphic
7 concentrations or faint depletions in subsoil with a hue of 7.5
8 YR or redder;

9 (b) in lower topsoil layers which are deeper
10 than 12 inches from the surface, and are immediately followed in
11 depth by a seasonally saturated horizon, redoximorphic features
12 include:

13 i. soil colors with a chroma of two or
14 less; or

15 ii. redoximorphic accumulations or
16 depletions;

17 (c) in the upper 12 inches of the topsoil
18 layer, immediately followed by a seasonally saturated horizon,
19 the depth of seasonal saturation may be determined by the
20 indicators in subunits i to v:

21 i. soil colors with a chroma of zero;

22 ii. organic soil textures or mineral
23 soil textures with an organic modifier;

24 iii. dominance of hydrophilic
25 vegetation;

26 iv. the soil treatment area at or near
27 the elevation of the ordinary high water level of a surface

1 water or the soil treatment area in a depressional landscape
2 position; or

3 v. the soil expressing indicators of
4 seasonal saturation as determined in the Field Indicators of
5 Hydric Soils in the United States which is incorporated by
6 reference. The book is issued by the United States Department
7 of Agriculture Natural Resource Conservation Service and is
8 available through the National Soil Survey Center USDA/NRCS, 100
9 Centennial Mall North, Room 152, Lincoln, NE 68508-3866. It can
10 be found at the Minnesota State Law Library, Judicial Center, 25
11 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota
12 55155, and is subject to frequent change.

13 (6) Depth to the seasonally saturated soil for
14 all existing systems is determined by redoximorphic features in
15 subitem (5), except for unit (b), subunit i; and unit (c),
16 subunits i, iii, and iv as measured outside the area of system
17 influence in an area of similar soil.

18 (7) Depth of standing water in the soil
19 observation excavation, measured from the soil surface, if
20 observed.

21 [For text of subitem (8), see M.R.]

22 [For text of items E and F, see M.R.]

23 [For text of subp 5a, see M.R.]

24 7080.0715 LICENSE CONDITIONS.

25 [For text of subps 1 and 2, see M.R.]

26 Subp. 3. Seasonally saturated soil disagreements.

27 A. If a documented discrepancy arises on the depth of

1 the seasonally saturated soil between licensed businesses for
2 ISTS design or compliance purposes, all disputing parties shall
3 follow the procedure outlined in this item.

4 (1) All local dispute resolution procedures must
5 be followed.

6 (2) If no local dispute resolution procedures
7 exist, the disputing parties must meet at the disputed site in
8 an attempt to resolve differences.

9 (3) If the provision in subitem (2) does not
10 resolve the differences, then one or more of the methods in
11 units (a) to (c) must be employed.

12 (a) Obtain an opinion from a qualified
13 employee of the local permitting authority with jurisdiction, if
14 the local permitting authority is willing to be involved.

15 (b) Obtain an opinion from an ISTS Technical
16 Evaluation Committee, if a committee has been developed for this
17 purpose, and is available and willing to render an opinion. The
18 committee shall be created in cooperation with the commissioner.

19 (c) Obtain an opinion from a Minnesota
20 registered professional soil scientist, who is both a registered
21 professional ISTS designer or inspector, and independent of, and
22 agreed upon by, both parties.

23 (d) If options under unit (a) or (b) are not
24 viable, then an opinion must be rendered under the provisions of
25 unit (c).

26 (4) If opinions rendered in subitem (2) or (3) do
27 not resolve the dispute, all initial and follow-up documents and

1 information generated shall be submitted to the local permitting
2 authority. The local permitting authority shall take into
3 advisement all information and opinions rendered and make a
4 final judgment. Local permitting authorities shall render
5 findings of fact, conclusions of law, and findings setting forth
6 the reasons for any final decisions they render.

7 B. If a documented discrepancy arises on the depth of
8 the seasonally saturated soil between a licensed business and a
9 local permitting authority for ISTS design or compliance
10 purposes, all disputing parties shall follow the procedure
11 outlined in this item.

12 (1) The local permitting authority and the
13 licensed business must meet at the disputed site in an attempt
14 to resolve differences.

15 (2) If the provision in subitem (1) does not
16 resolve the differences, then one or more of the methods in item
17 A, subitem (3), unit (b) or (c), should be employed.

18 (3) If opinions rendered in subitem (2) are not
19 sought or do not resolve the dispute, the local permitting
20 authority shall take into advisement all information and
21 opinions rendered and make a final judgment. Local permitting
22 authorities shall render findings of fact, conclusions of law,
23 and findings setting forth the reasons for any final decisions
24 they render.

25 C. Upon resolution of a dispute, amendments to
26 initial disputed documents containing the resolution provisions
27 shall be made and submitted to the local permitting authority

1 and all other parties involved.

2 7080.0900 ENFORCEMENT ACTION.

3 Subpart 1. **Business licenses.** The commissioner may deny,
4 suspend, restrict, or revoke a business license issued under
5 part 7080.0705 for any of the following reasons:

6 [For text of items A to C, see M.R.]

7 D. failure to provide adequate supervision to
8 nonregistered ISTS employees;

9 E. incompetence, negligence, or inappropriate conduct
10 in the performance of the duties of an individual sewage
11 treatment system professional; or

12 F. failure to comply with soil dispute resolution
13 requirements in part 7080.0715, subpart 3.

14 [For text of subps 2 to 5, see M.R.]

15 **RENUMBERER.** In Minnesota Rules, part 7080.0020, renumber the
16 subparts in alphabetical order.