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ADMINISTRATIVE
HEARINGS

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

4 CHAPTER 7083
5 SUBSURFACE SEWAGE TREATMENT SYSTEMS
6 LICENSING AND CERTIFICATION PROGRAM,
7 PRODUCT REGISTRATION PROGRAM, AND
8 ADVISORY COMMITTEE

9 7083.0010 PURPOSE AND INTENT.

10 The proper location, design, installation, use, and
11 maintenance of a subsurface sewage treatment system (SSTS)
12 protects the public health, safety, and general welfare by the
13 discharge of adequately treated sewage to the groundwater. In
14 order to reasonably accomplish the proper location, design,
15 installation, operation, and maintenance of an SSTS, the
16 Pollution Control Agency provides in this chapter criteria for
17 certifying trained individuals and licensing SSTS businesses,
18 registering SSTS products, and provisions for an advisory
19 committee to the agency concerning SSTS issues.

20 The authority for this chapter is granted in Minnesota
21 Statutes, chapters 103F, 103G, 115, and 116.

22 This chapter does not address the licensing of wastewater
23 treatment plant operators regulated under chapter 9400 or Type
24 IV land application of waste professionals as regulated in
25 chapter 7048.

26 It is the intent of this chapter to provide standards for
27 adequate training, experience, continuing education, insurance,
28 and bonding for SSTS businesses and certified individuals.
29 These standards also present the foundation for enforceable

1 violations along with the agency's enforcement procedures. The
2 ~~agency's-enforcement-program-may-require-assistance-from-local~~
3 ~~units-of-government-to-file-complaints-and-gather-evidence~~
4 ~~against-these-in-violation-of-local-SSTS-ordinances.~~ It is the
5 intent of this chapter to register SSTS products for use in
6 Minnesota, as technology and products employed in SSTS shall
7 adequately protect the public health and the environment as
8 determined by this chapter and be approved for use by the local
9 unit of government.

10 It is the further intent of this chapter to determine the
11 duties, structure, and administration of the SSTS Advisory
12 Committee as established in Minnesota Statutes, section 115.55.

13 7083.0020 DEFINITIONS.

14 Subpart 1. **Certain terms.** In addition to the definitions
15 in chapters 7080, 7081, and 7082 as published in the State
16 Register, volume 31, pages 1025, 1064, and 1079, and as
17 subsequently adopted, and Minnesota Statutes, section 115.55,
18 which are incorporated by reference, the terms used in this
19 chapter have the meanings given them. For purposes of these
20 standards, certain terms or words are interpreted as follows:
21 the words "shall" and "must" are mandatory and the word "may" is
22 permissive. All distances, unless otherwise specified, must be
23 measured horizontally.

24 Subp. 2. **Agency.** "Agency" means the Pollution Control
25 Agency.

26 Subp. 3. **Apprentice.** "Apprentice" means an individual who
27 meets the requirements in part 7083.1090 by completing training,

1 passing the examination, and gaining experience under part
2 7083.1050, subpart 2.

3 Subp. 4. **As-builts.** "As-builts" means drawings and
4 documentation specifying the final in-place location, elevation,
5 size, and type of all system components. These records identify
6 the results of materials testing and describe conditions during
7 construction. Information provided must be verified by a
8 certified statement.

9 Subp. 5. ASTM. "ASTM" means the American Society for
10 Testing and Materials.

11 Subp. 5~~7~~ 6. Certified. "Certified" means an individual is
12 included on the agency's SSTS certification list and is
13 qualified to design, install, maintain, repair, pump, operate,
14 or inspect an SSTS as appropriate with the individual's
15 qualifications. A certified individual who is working under a
16 license is subject to the obligations of the license. Certified
17 individuals were previously known as registered professionals.

18 Subp. 7. Disinfection. "Disinfection" means the process
19 of destroying or inactivating pathogenic microorganisms in
20 sewage to render them noninfectious.

21 Subp. 8. Drip dispersal system. "Drip dispersal system"
22 means a small diameter pressurized wastewater distribution
23 system in which the treated effluent is distributed under
24 pressure to the infiltrative surface via drip tubing and enters
25 the receiving environment.

26 Subp. 6~~7~~ 9. ISTS. "ISTS" means an individual sewage
27 treatment system as defined under part 7080.1100, subpart ~~47~~ 41,

1 as published in the State Register, volume 31, page 1027, and as
2 subsequently adopted.

3 Subp. 7- 10. Licensee. "Licensee" means a person to whom
4 a license is issued under this chapter.

5 Subp. 8- 11. Mentor. "Mentor" is a person who holds a
6 mentor designation as described in part 7083.2000 and provides
7 mentorship.

8 Subp. 9- 12. Mentorship. "Mentorship" means ~~the provision~~
9 of providing direct and personal supervision to an individual
10 who is seeking to gain qualifying work experience to become a
11 certified individual.

12 Subp. 10- 13. MSTs. "MSTs" means a mid-sized SSTs as
13 defined in part 7081.0020, subpart 5 4, as published in the
14 State Register, volume 31, page 1065, and as subsequently
15 adopted.

16 Subp. 14. O&G. "O&G" means oil and grease, a component of
17 sewage typically originating from foodstuffs such as animal fats
18 or vegetable oils or consisting of compounds of alcohol or
19 glycerol with fatty acids such as soaps and lotions, typically
20 expressed in mg/L (also known as FOG or fats, oil, and grease).

21 Subp. 15. Proprietary product. "Proprietary product"
22 means a sewage treatment or distribution technology, method, or
23 material subject to a patent or trademark.

24 Subp. 16. Public domain technology. "Public domain
25 technology" means a sewage treatment or distribution technology,
26 method, or material not subject to a patent or trademark.

27 Subp. 11- 17. Qualified employee. "Qualified employee"

1 means a state or local government employee who designs,
2 installs, maintains, pumps, or inspects SSTS as part of the
3 person's employment duties.

4 Subp. ~~12~~ 18. **Subsurface sewage treatment system or "SSTS."**
5 "Subsurface sewage treatment system" or "SSTS" means an
6 individual sewage treatment system as defined in part 7080.1100,
7 subpart ~~47~~ 41, as published in the State Register, volume 31,
8 page 1027, and as subsequently adopted, or a midsized sewage
9 treatment system as defined in part 7081.0020, subpart 5 4, as
10 published in the State Register, volume 31, page 1027, and as
11 subsequently adopted, as applicable.

12 Subp. ~~13~~ 19. **Subsurface sewage treatment system business**
13 **or SSTS business.** "Subsurface sewage treatment system business"
14 or "SSTS business" means a business that designs, installs,
15 maintains, repairs, pumps, operates, or inspects an SSTS as
16 appropriate with the organization's license and qualifications.

17 Subp. 20. TN. "TN" means total nitrogen, which is the
18 measure of the complete nitrogen content in wastewater including
19 nitrate (NO₃⁻), nitrite (NO₂⁻), ammonia (NH₃), ammonium
20 (NH₄⁺), and organic nitrogen, expressed as mg/L.

21 Subp. 21. Total suspended solids or TSS. "Total suspended
22 solids" or "TSS" means solids that are in suspension in water
23 and that are removable by laboratory filtering, expressed as
24 mg/L.

25 Subp. 22. TP. "TP" means total phosphorus, which is the
26 sum of all forms of phosphorus in effluent, expressed as mg/L.

27 7083.0040 ADMINISTRATION BY AGENCY.

1 Subpart 1. Agency to administer. This chapter is
2 administered by the agency.

3 Subp. 2. Variance procedures.

4 A. In certain cases, the commissioner may grant a
5 variance to ~~SSTS-businesses, certified individuals, or~~
6 ~~apprentices~~ from the standards in this chapter. This variance
7 provision is not intended to provide relief for licensed
8 businesses or certified individuals from missed expiration dates
9 or enforcement actions.

10 B. Before granting a requested variance, the
11 commissioner or agency must find that, by reason of exceptional
12 circumstances, the strict enforcement or strict conformity with
13 this chapter would be unreasonable, impractical, or not feasible
14 under the circumstances. The agency may permit a variance under
15 part 7000.7000 in harmony with the requirements of part
16 7000.7000, the general purpose of this chapter, and the intent
17 of applicable state laws. The variance request must contain, as
18 applicable:

19 (1) the specific provision in the rule or rules
20 from which the variance is requested;

21 (2) the reasons why the rule is unreasonable,
22 impractical, or not feasible under the circumstances and state
23 the underlying circumstances;

24 (3) a description of the hardship that compliance
25 with the rule presents;

26 (4) the alternative measures that will be taken
27 to ensure a comparable degree of compliance with the intention

1 of the chapter;

2 (5) the length of time for which the variance is
3 requested;

4 (6) a statement that the party applying for the
5 variance will comply with the terms of the variance, if granted;
6 and

7 (7) economic considerations.

8 C. In addition to the variance information required
9 in item B, the commissioner ~~may~~ has the authority to also
10 require the requesting party to submit other relevant
11 information ~~as-necessary-to~~ for the specific purpose of properly
12 evaluate evaluating the variance request.

13 7083.0700 LICENSES.

14 ~~Subpart 1.---State-license-required.~~ A state SSTS license
15 applicable to the type of work being performed is required for
16 any business that conducts work to design, install, repair,
17 maintain, operate, or inspect all or part of an SSTS. A license
18 is also required to land spread septage and operate a sewage
19 collection system discharging to an SSTS. Property owners that
20 employ a business to perform this work shall hire a business
21 that is licensed according to this chapter. Individuals exempt
22 from a state SSTS license must follow all applicable local,
23 state, and federal requirements. A license is not required for:

24 A. an individual who is a qualified employee
25 performing work as directed by a state or local government
26 employer;

27 B. an individual who, after obtaining a signed site

1 evaluation and design report from a licensed design business,
2 constructs an ISTS to serve a dwelling that is owned by the
3 individual and functions solely as a dwelling or seasonal
4 dwelling for that individual. Any assistance provided to the
5 system owner in construction of a system under this item must be
6 performed by a licensed installation business;

7 C. an individual who performs supervised labor or
8 services as an employee of a licensed SSTS business;

9 D. a farmer who pumps septage from an ISTS that
10 serves dwellings or other establishments that are owned or
11 leased by the farmer and applies septage on land that is owned
12 or leased by the farmer;

13 E. a property owner who personally gathers existing
14 information, evaluates, and investigates an ISTS to provide a
15 disclosure as defined in Minnesota Statutes, section 115.55,
16 subdivision 6, for a dwelling that is owned by the individual
17 and functions solely as a dwelling or seasonal dwelling for that
18 individual;

19 F. an individual or business who abandons an SSTS;

20 G. an individual who maintains a toilet waste
21 treatment device for a dwelling that is owned by the individual
22 and functions solely as a dwelling or seasonal dwelling for that
23 individual; or

24 H. an individual who performs tasks identified in the
25 system's management plan that do not require a maintainer or
26 service provider license for a dwelling that is owned by the
27 individual and functions solely as a dwelling or seasonal

1 dwelling for that individual; or

2 I. the owner or designee of a campground or other
3 similar facility who removes and transports sewage wastes from
4 recreational vehicles into a holding or treatment system located
5 on the same property as the facility.

6 ~~Subp. 2. -- Land application. -- Land application of stored~~
7 ~~septage must be conducted by a Type IV operator certified under~~
8 ~~chapter 7048.~~

9 7083.0710 CATEGORIES, AUTHORIZATIONS, AND RESPONSIBILITIES.

10 Except as described in part 7083.0700, ~~subpart 1,~~ an
11 individual or business must not perform the services described
12 in this chapter and chapters 7080 to 7082, as published in the
13 State Register, volume 31, pages 1025 to 1088, and as
14 subsequently adopted, unless licensed by the commissioner under
15 the appropriate license category in parts 7083.0720 to 7083.0800.

16 7083.0720 REQUIREMENTS FOR SSTS LICENSED BUSINESSES.

17 A licensed business must:

18 A. ensure that all SSTS work is conducted according
19 to applicable requirements;

20 B. ensure that the business's certified individuals
21 or apprentices fulfill the conditions under parts 7083.0710 to
22 7083.0800;

23 C. designate an adequate number of certified
24 individuals to meet the requirements under this chapter;

25 D. maintain the bond and insurance required under
26 part 7083.1000;

1 E. prepare and submit written reports according to
2 local ordinance requirements and requirements in this chapter
3 and chapters 7080 and 7081, as published in the State Register,
4 volume 31, pages 1025 and 1064, and as subsequently adopted;

5 F. notify the commissioner in writing within 30 days
6 if the business has:

- 7 (1) a change of address;
- 8 (2) a change in certified individuals; or
- 9 (3) a change in bond or insurance coverage; and

10 G. maintain all reports for a minimum of five years.

11 7083.0730 REQUIREMENTS FOR CERTIFIED INDIVIDUALS.

12 A certified individual must:

13 A. provide ~~direction~~ direct and personal supervision
14 to noncertified employees working on an SSTS;

15 B. ensure the work completed meets applicable
16 requirements; and

17 C. complete a certified statement for required
18 reports.

19 7083.0740 DESIGN LICENSE.

20 Subpart 1. Authorization.

21 A. A ~~basic~~ licensed basic design business may is
22 authorized to conduct site and soil evaluations, design systems,
23 and write management plans for a Type I, II, or III ISTS as
24 described under part 7080.2200 to 7080.2300, as published in the
25 State Register, volume 31, pages 1054 to 1057, and as
26 subsequently adopted, serving dwellings or other establishments

1 with an average daily a design flow of 2,500 gallons per day or
2 less.

3 B. An advanced A licensed advanced design business
4 may is authorized to conduct site and soil evaluations, design
5 systems, and write management plans for Type-I-to-Type-V systems
6 as described in parts 7080.2200 to 7080.2400, as published in
7 the State Register, volume 31, pages 1054 to 1061, and as
8 subsequently adopted, serving dwellings or other establishments
9 with an average daily flow of 2,500 gallons per day or less all
10 sizes and types of SSTS.

11 ~~C. An MSTFS licensed design business may conduct site~~
12 ~~and soil evaluations, design systems, and write management plans~~
13 ~~for systems described in items A and B and an MSTFS.~~

14 Subp. 2. Responsibilities. All design licensees must:

15 A. inform the proposed system owner of:

16 (1) the type classification of the system under
17 parts 7080.2200 to 7080.2400, as published in the State
18 Register, volume 31, pages 1054 to 1061, and as subsequently
19 adopted; and

20 ~~(2) the estimated costs for construction,~~
21 ~~operation, monitoring, service, component replacement, and~~
22 ~~management and the anticipated system life, and~~

23 B. provide written reasonable assurance of system
24 performance to the local unit of government including, but not
25 limited to:

26 (1) adherence to system type requirements; or

27 (2) technical basis for design elements for Type

1 II to Type V systems; and

2 C. prepare detailed design sheets, drawings,
3 calculations, materials, system layout, and elevations.

4 Subp. 3. **Certified designers.** Certified designers must
5 ~~review~~ conduct the soil descriptions and review other site
6 evaluations and designs by noncertified employees. This review
7 includes both verification of field observations and conclusions
8 and design assumptions and calculations.

9 7083.0750 INSPECTION LICENSE.

10 Subpart 1. **Authorization.**

11 A. A licensed basic inspection business may is
12 authorized to conduct compliance inspections and issue written
13 certificates of compliance and notices of noncompliance for an
14 existing ISTS described in part 7083.0740, subpart 1, ~~items~~ item
15 A and-B. An inspection business may is allowed to install a new
16 system for a property in which the business has conducted an
17 existing ISTS compliance inspection, provided the business holds
18 the appropriate licenses. A local unit of government is allowed
19 to authorize a licensed inspection business ~~may-be-authorized~~ to
20 review and approve site evaluations and designs, inspect new
21 construction and replacement systems, ~~review~~ verify the
22 submittal of management plans, and issue written certificates of
23 compliance and notices of noncompliance for systems described in
24 part 7083.0740, subpart 1, items A and B ~~on-behalf-of-a-local~~
25 ~~unit-of-government.~~

26 B. A licensed MSTFS advanced inspection business may
27 is authorized to conduct compliance inspections and issue

1 written certificates of compliance and notices of noncompliance
2 for an existing MSTFS systems described in part 7083.0740,
3 subpart 1, item E B. An inspection business may is authorized
4 to install a new system for a property in which the business has
5 conducted an existing system compliance inspection, provided the
6 business holds the appropriate licenses. A local unit of
7 government is allowed to authorize a licensed MSTFS advanced
8 inspection business ~~may-be-authorized~~ to review and approve site
9 evaluations and designs, inspect new construction and
10 replacement systems, review verify the submittal of management
11 plans, and issue written certificates of compliance and notices
12 of noncompliance for systems described in part 7083.0740,
13 subpart 1, item ~~E, on-behalf-of-a-local-unit-of-government~~ B.

14 Subp. 2. Responsibilities. Inspection and MSTFS inspection
15 licensees must submit a completed version of the agency's
16 existing inspection form to the local unit of government and the
17 property owner within 30 days after any existing system
18 compliance inspection.

19 Subp. 3. Certified inspectors. Certified inspectors are
20 responsible for personally conducting the necessary procedures
21 to assess system compliance. Certified inspectors must complete
22 and sign the agency's existing system inspection form.

23 7083.0760 INSTALLATION LICENSE.

24 Subpart 1. Authorization. A licensed installation
25 business may is authorized to construct, install, alter, extend,
26 maintain, or repair all SSTFS according to an approved design.

27 Subp. 2. Responsibilities. Installation licensees must:

1 A. ensure all work is done according to an approved
2 design report;

3 B. notify the local unit of government when work is
4 in need of required inspections;

5 C. provide as-built drawings to the owner and local
6 unit of government within 30 days of system installation;

7 D. maintain quality control and quality assurance
8 records for five years;

9 E. provide system owners with information concerning
10 system operation and maintenance;

11 F. ensure that all construction activities comply
12 with applicable storm water regulations;

13 G. ~~institute no change from the signed and approved~~
14 ~~design report until the proposed change is made by the designer~~
15 ~~and approved by the local unit of government~~ follow recommended
16 standards and guidance documents for registered products and
17 check the quality of materials used;

18 H. negotiate with the system owner to and jointly
19 determine who will be responsible for seeding, erosion and frost
20 protection, watering, and other vegetation establishment
21 activities; and

22 I. pay the septic system tank fee and submit the form
23 according to Minnesota Statutes, section 115.551, including
24 notification if no tanks were installed during the reporting
25 year. The form and payment are due to the commissioner by
26 January 31 for the previous calendar year's installations.

27 Subp. 3. Certified installers. Certified installers must

1 be at the worksite to meet supervision needs as determined by
2 the training and experience level of the crew and local
3 requirements and to ensure that the installation, alteration, or
4 extension of an SSTS is in accordance with an approved design
5 report and permit. The certified installer must prepare quality
6 control and quality assurance records and prepare and sign
7 as-built drawings. The certified installer must personally
8 determine, supervise, and verify:

- 9 A. the system layout and placement;
- 10 B. that site conditions allow for construction;
- 11 C. the proper soil moisture conditions for
12 excavation;
- 13 D. the elevations of sewage tanks and soil treatment
14 systems;
- 15 E. the quality of tanks and suitability of other
16 materials;
- 17 F. solutions to problems encountered; and
- 18 G. upgrade and repair advice provided.

19 7083.0770 MAINTENANCE LICENSE.

20 Subpart 1. **Authorization.** A licensed maintenance business
21 may is authorized to measure scum and sludge depths in sewage
22 tanks for the accumulation of solids and removing these
23 deposits; remove solids and liquids from toilet waste treatment
24 devices; transport septage; land apply septage or dispose of
25 septage in a treatment facility; identify problems related to
26 sewage tanks, baffles, maintenance hole covers, extensions, and
27 pumps and make the repairs; evaluate sewage tanks, dosing

1 chambers pump tanks, distribution devices, valve boxes, or drop
2 boxes for leakage; identify cesspools, seepage pits, leaching
3 pits, and drywells; and clean supply pipes and distribution
4 pipes for all SSTs.

5 Subp. 2. Responsibilities. Maintenance licensees must:

6 A. record pump-out date, gallons removed, any tank
7 leakage below or above the operating depth, the access point
8 used to remove the septage, the method of disposal, the reason
9 for pumping, any safety concerns with the maintenance hole
10 cover, and any troubleshooting or repairs conducted. This
11 information must be submitted to the homeowner within 30 days
12 after the maintenance work is performed. Maintenance business
13 pumping record information must be maintained by the business
14 for a period of five years;

15 B. observe and provide written reports of any
16 noncompliance to the system owner within 30 days; and

17 ~~C. report-new-service-contracts-entered-into-or~~
18 ~~cancellation-of-current-service-contracts-to-the-local-unit-of~~
19 ~~government-within-30-days-after-the-maintenance-work-is~~
20 ~~performed;-and~~

21 ~~D.~~ obtain a signed statement if the owner refuses to
22 allow the removal of solids and liquids through the maintenance
23 hole.

24 Subp. 3. Certified maintainers. Certified maintainers
25 must provide proper training, daily review of work, and periodic
26 observation of work conducted by noncertified individuals.
27 Certified maintainers are responsible for conducting or

1 supervising:

2 A. the measurement of scum and sludge depths;

3 B. the making of sensory observations if nondomestic
4 wastes ~~may~~ have been discharged into the system;

5 C. the identification of problems and watertightness
6 related to sewage tanks;

7 D. the assessment of the condition of baffles,
8 effluent screens, maintenance hole covers, and extensions;

9 E. the removal of septage; and

10 F. the land application of septage or disposal in a
11 treatment facility.

12 7083.0780 SERVICE PROVIDER LICENSE.

13 Subpart 1. Authorization. A licensed service provider
14 business ~~may~~ is authorized to measure scum and sludge depths for
15 the accumulation of solids; identify problems related to sewage
16 tanks, baffles, effluent screens, maintenance hole covers,
17 extensions, and pumps and make the repairs; evaluate sewage
18 tanks, dosing chambers, distribution devices, valve boxes, or
19 drop boxes for leakage; and clean supply pipes and distribution
20 pipes. Service provider businesses ~~may~~ are also authorized to
21 assess, adjust, and service systems for proper operation; take,
22 preserve, store, and ship samples for analysis; interpret
23 sampling results and report results for an SSTS; and operate
24 sewage collections systems discharging to an SSTS.

25 Subp. 2. Responsibilities. Service provider licensees
26 must:

27 A. report sampling results, operational observations,

1 system adjustments, and other management activities in
2 compliance with local ordinances, management plans, or operating
3 permit requirements; and

4 B. observe and provide written reports of any
5 noncompliance to the system owner and the local unit of
6 government within 30 days; ~~and.~~

7 ~~C. report new service contracts entered into or~~
8 ~~cancellation of current service contracts to the local unit of~~
9 ~~government within 30 days.~~

10 Subp. 3. Certified service providers. Certified service
11 providers must provide proper training, daily review of work,
12 and periodic observation of work conducted by noncertified
13 individuals. Certified service providers are responsible for
14 conducting or supervising:

15 A. the measurement of scum and sludge depths for the
16 accumulation of solids;

17 B. the making of sensory observations if nondomestic
18 wastes may have been discharged into the system;

19 C. the identification of problems and watertightness
20 related to sewage tanks; and

21 D. the assessment of the condition of baffles,
22 effluent screens, maintenance hole covers, and extensions.

23 Subp. 4. Certified service providers. Certified service
24 providers must personally:

25 A. assess the operational status and system
26 performance by sampling, measuring, and observing in compliance
27 with the management plan or operating permit;

1 B. preserve, store, and ship samples for analysis and
2 interpret sampling results;

3 C. adjust, repair, or replace components to bring the
4 system into proper operational compliance;

5 D. assess the operational status of sewage collection
6 systems and adjust, repair, or replace components to bring the
7 system into proper operational status; and

8 E. complete and submit any necessary reporting to the
9 system owner and the local unit of government.

10 7083.0790 OTHER WORK.

11 In the case of SSTS work not described under parts
12 7083.0740 to 7083.0780, the commissioner shall determine if a
13 license is necessary and, if so, which license category is
14 applicable along with the requirements necessary to obtain a
15 license.

16 7083.0800 RESTRICTED LICENSES.

17 The commissioner ~~may~~ is allowed to add restrictions to a
18 license for the following reasons:

19 A. as the result of an enforcement action under part
20 7083.2020;

21 B. as a method to allow an apprentice to gain
22 experience as described under part 7083.1050, subpart 2, item B;
23 or

24 C. as a method to limit the scope of the work to be
25 conducted under the license to coincide with restrictions placed
26 on the certified individual according to part 7083.2010, subpart

1 6.

2 7083.0900 APPLICATION FOR LICENSE; FEES; RENEWAL.

3 Subpart 1. **Eligibility.** A business is eligible to apply
4 for an SSTS license when it has:

5 A. one or more certified individuals with specialty
6 area certifications matching the requested license to meet the
7 conditions under parts 7083.0710 to 7083.0800;

8 B. general liability insurance as required by part
9 7083.1000; and

10 C. a corporate surety bond as required by part
11 7083.1000.

12 Subp. 2. **Requirements for obtaining or renewing licenses.**

13 A business that meets the eligibility requirements under subpart
14 1 ~~may~~ must apply for or renew a license on forms provided by the
15 commissioner. The application must be submitted to the agency
16 no later than 60 days prior to the expiration or renewal date.
17 Issuance of a new license also requires a 60-day review and
18 approval period.

19 Subp. 3. **Fees.** The annual SSTS license fee is \$100 for
20 each license category under parts 7083.0710 to 7083.0800. The
21 annual license fee for a business with multiple licenses shall
22 not exceed \$200.

23 Subp. 4. **Issuance.** Upon the commissioner's approval of
24 the license application and payment of the license fee, a
25 license must be issued to the proprietor of a sole
26 proprietorship, the partners of a partnership, or the corporate
27 chief executive officer or a qualifying person in Minnesota

1 designated by a corporation.

2 Subp. 5. Term. A license is valid for one year after the
3 date of issuance. An applicant is allowed to request a license
4 ~~renewals-may-be-requested~~ renewal for longer periods up to three
5 years. The fee is determined by multiplying the approved number
6 of years by the fee in subpart 3.

7 Subp. 6. Denial. The commissioner shall deny an
8 application for issuance or renewal of a license if the
9 applicant is not eligible under subpart 1. The commissioner is
10 authorized to deny a license application ~~may-also-be-denied~~ as
11 the result of an enforcement action under part 7083.2020.

12 A ~~pending~~ denial based on part 7083.2020 may must not be issued
13 before an opportunity is provided for a contested case hearing
14 complying with Minnesota Statutes, chapter 14.

15 7083.1000 BONDING AND INSURANCE FOR SSTS LICENSED BUSINESSES;
16 LIABILITY.

17 Subpart 1. Bond and insurance requirements.

18 A. To be eligible for SSTS licensing, a business must
19 have a minimum of \$100,000 of general liability insurance. The
20 minimal amount is not increased for businesses with multiple
21 licenses. The insurance must be written by a business licensed
22 to provide insurance in Minnesota.

23 B. To be eligible for SSTS licensing, proof of
24 general liability insurance must be evidenced by a certificate
25 of insurance form that shows the minimum coverage that will be
26 in effect for at least the term of the license. The licensee is
27 responsible for providing written notice to the commissioner

1 within 30 days of cancellation or change in liability
 2 insurance. If the insurance is canceled or the amount of
 3 coverage is reduced to less than the amounts in item A, the
 4 license immediately and automatically becomes invalid and the
 5 business must not perform SSTS work until the business obtains
 6 insurance meeting the requirements of this part and submits
 7 notification of insurance coverage to the commissioner.

8 C. To be eligible for SSTS licensing, a business must
 9 hold a corporate surety bond in the amounts specified in Table I
 10 or greater. If a business seeks more than one license, then the
 11 license category with the highest bonding amount fulfills the
 12 bond requirement for all licenses sought. ~~A-licensed-SSTS~~
 13 ~~business-must-disclose-the-amount-of-bond-coverage-to-these-to~~
 14 ~~whom-they-are-providing-services-~~

Table I

License	Minimum Bond Amounts
Basic design	\$10,000
Advanced design	\$15,000 <u>\$25,000</u>
MSTS-design	\$25,000
Inspection	\$10,000
MSTS Advanced inspection	\$25,000
Installation	\$10,000
Maintenance	\$10,000
Service provider	\$10,000

27
 28 D. The corporate surety bond must be written by a
 29 corporate surety licensed to do business in Minnesota.

30 E. The corporate surety bond must be submitted to the
 31 commissioner on the bond form provided in part 7080.2030 and
 32 must name the applicant as the principal.

33 F. The corporate surety bond must be signed by an
 34 official of the business who is legally authorized to represent

1 the business and must list a contact if a claim is to be filed.

2 G. The corporate surety bond must cover work to be
3 done under all SSTS licenses to be held by the business.

4 Subp. 2. Bond use.

5 A. The corporate surety bond must be conditioned on
6 the principal faithfully performing the duties and complying
7 with all laws, ordinances, and rules pertaining to the SSTS
8 license applied for and all contracts entered into.

9 B. A person suffering a loss from the principal
10 failing to act according to item A ~~may~~ is allowed to petition
11 the corporate surety to seek and ~~may~~ be granted a partial or
12 full payment of the bond.

13 Subp. 3. Term of bond. The term of the corporate surety
14 bond must be continuous with the term of the license. The penal
15 sum of the bond is noncumulative and must not be aggregated
16 every year that the bond is in force.

17 Subp. 4. Notification of bond actions. The corporate
18 surety must provide written notice to the commissioner within 30
19 days of cancellation or reduction of a licensee's bond. If a
20 corporate surety bond is canceled or the amount of coverage is
21 reduced to less than the amounts in subpart 1, Table I, the
22 license immediately and automatically becomes invalid and the
23 business must not perform SSTS work until the business obtains
24 another corporate surety bond meeting the requirements of this
25 part and submits notification of renewed bond coverage to the
26 commissioner. The corporate surety must notify the principal of
27 any claims pending against the bond within five days of the

1 receipt of the claim and notify the principal of any payments
2 made against the bond within five days of payment.

3 Subp. 5. **Other professional assistance.** An SSTS business
4 that seeks, accepts, and implements work products developed by a
5 noncertified individual is responsible and liable for the
6 related performance of the system.

7 7083.1010 QUALIFIED EMPLOYEE REQUIREMENTS.

8 A qualified employee must fulfill the applicable
9 responsibilities under parts 7083.0710 to 7083.0800 that are
10 applicable to the work being performed. Qualified employees
11 must be certified with specialty area certifications applicable
12 to the work being conducted. An apprentice is eligible to be a
13 qualified employee ~~may-be-an-apprentice~~ if the individual has
14 specialty area certifications applicable to the work to be
15 completed, has fulfilled the requirement under part 7083.1050,
16 subpart 2, and has been issued performance restrictions.

17 7083.1020 SSTS INDIVIDUAL CERTIFICATION AND TRAINING PROGRAM.

18 Subpart 1. **Purpose.** Parts 7083.1020 to 7083.1090
19 establish the SSTS individual certification and training
20 program. This program establishes training, experience, and
21 examination requirements for SSTS individual certification. An
22 individual ~~may~~ is allowed to be certified in the following
23 specialty areas:

- 24 A. designer;
25 B. advanced designer;
26 C. ~~MSTS-designer;~~

1 requirement for one or more specialty areas under the
2 certification and training program, an individual must
3 successfully complete formal coursework that covers basic SSTS
4 knowledge and specialty area training as described in items A
5 and B.

6 A. All certified individuals must have formal SSTS
7 training in soil treatment theory; design and construction
8 fundamentals; system operational requirements; statute and rule
9 requirements; technology options; and state licensing
10 requirements, standards, and criteria.

11 B. SSTS specialty area certifications must have
12 formal training to perform the required responsibilities for
13 each specialty area in parts 7083.0710 to 7083.0800. Advanced
14 and-MSTS designers must receive training in a specific
15 technology before designing and writing a management plan for
16 that technology.

17 Subp. 2. Accreditation of training. Training used to
18 fulfill the requirements under subpart 1 and part 7083.1060 must
19 be accredited by the commissioner according to part 7083.1070.

20 7083.1040 EXAMINATION.

21 Subpart 1. Examinations. An examination for basic
22 information regarding an SSTS and each of the specialty areas
23 under part 7083.1020, subpart 1, must be offered by the
24 commissioner at least annually. The examinations must be based
25 on the skill, knowledge, experience, and education that a person
26 must have to perform the authorized duties and responsibilities
27 under parts 7083.0710 to 7083.0800 for each specialty area

1 sought. An individual must successfully complete the basic and
2 specialty area examinations with a passing score of 70 percent
3 or greater to qualify for certification and apprentice
4 designation. The commissioner ~~may~~ shall require a passing score
5 of 70 percent or greater on any portion or subpart of an
6 examination, which focuses on a critical skill component, in
7 order to pass the entire examination.

8 Subp. 2. **Expiration of test score.** An examination that
9 qualifies for certification expires if the continuing education
10 requirements under part 7083.1060, subpart 1, are not
11 fulfilled. The period within which continuing education must be
12 completed starts when the first examination is taken in which a
13 passing score is received.

14 Subp. 3. **Failure on examination.** An individual who fails
15 an examination is ineligible to retake the same examination for
16 six months unless the individual has completed additional
17 training approved by the agency in the subject matter covered by
18 the failed examination in addition to that required under part
19 7083.1030, subpart 1. Official documentation of this additional
20 training must be provided at the time the examination is retaken.
21 Training hours used to fulfill this reexamination requirement
22 ~~may~~ must not be used to fulfill continuing education
23 requirements. Failure to pass the examination in a specialty
24 area or the basic examination does not prevent the person from
25 taking an examination for a different specialty area
26 certification.

27 7083.1050 EXPERIENCE.

1 Subpart 1. Experience requirements. An individual seeking
2 certification must:

3 A. complete the experience requirement according to
4 one of the methods under subpart 2;

5 B. complete the amount of experience according to
6 subpart 5;

7 C. acquire necessary experience within the six years
8 immediately preceding submission of the completed certification
9 application; and

10 D. complete and submit the documentation requirements
11 under subpart 4.

12 Subp. 2. Options to gain experience. The experience
13 needed to qualify for a specialty area ~~may~~ must be acquired by
14 one of the methods in items A to ~~D~~ C or other method approved
15 by the commissioner:

16 A. ~~Experience-may-be-completed~~ as an employee or
17 worker of a licensed SSTS business under an experience plan as
18 described in subpart 3~~;~~;

19 B. ~~Experience-may-be-gained~~ as an apprentice under a
20 restricted license. Qualifying experience under a restricted
21 license must be completed under an experience plan as described
22 in subpart 3~~;~~ or

23 C. ~~Experience-may-be-gained~~ through field work
24 experience from an agency-accredited training program that
25 provides realistic in-field work situations.

26 ~~D.--Experience-may-be-gained-through-a-method-approved~~
27 ~~by-the-commissioner.~~

1 Subp. 3. Experience plan. Experience plans must meet the
2 requirements in this subpart.

3 A. Experience gained under an experience plan must be
4 gained under the supervision of an unrestricted certified
5 individual who has a specialty area certification that is the
6 same as the specialty area sought by the individual acquiring
7 the experience or under the supervision of an inspector who is
8 authorized to design and inspect the system. After December 31,
9 2010, an individual providing experience oversight must be a
10 mentor as described in part 7083.2000.

11 B. Experience plans must be submitted to and approved
12 by the commissioner before apprentice designation is granted.
13 The commissioner ~~may~~ shall require that the plan be discontinued
14 or modified to correct the problems if the objectives for
15 acquiring experience are not being fulfilled. The commissioner
16 shall make a final evaluation to determine if the experience
17 gained under the plan successfully fulfilled the experience
18 requirement.

19 C. Experience plans must include the number of
20 systems to be worked on to obtain experience and the applicable
21 specialty area requirements in subitems (1) to (4).

22 (1) Experience plans for apprentice designer must
23 verify the completeness and accuracy of the preliminary and
24 field evaluation work products. This includes the in-field
25 verification of the soil borings and the interpretation of the
26 height of the ~~seasonally~~ periodically high saturated soil level
27 and bedrock. All design assumptions and calculations must be

1 verified.

2 (2) Experience plans for apprentice installer
3 must verify construction of systems according to the approved
4 design and applicable construction requirements. Verification
5 must include on-site observations during the work periods
6 identified in part 7083.0760, subpart 3, items A to G.

7 (3) Experience plans for apprentice inspector
8 must verify the completeness and accuracy of inspecting the
9 compliance status of a newly constructed or existing ISTS. This
10 verification includes a field verification of all field
11 observations and conclusions. Design reviews must also be
12 verified.

13 (4) Experience plans for an apprentice maintainer
14 must verify that sewage tanks were maintained and septage
15 disposal was in accordance with applicable rules. This
16 verification includes a field verification of all work
17 activities.

18 Subp. 4. Experience plan reporting.

19 A. All work used to gain experience for certification
20 must be documented. Documentation shall include all
21 information, records, or other documents required by this
22 chapter or chapters 7080 to 7082, as published in the State
23 Register, volume 31, pages 1025 to 1079, and as subsequently
24 adopted. The documentation must be submitted to the
25 commissioner from a minimum of five jobs along with the
26 experience plan from those same jobs. The documentation must
27 provide the basis for approval or denial of a certification.

1 B. Approvals, sign-offs, or certificates of
2 compliance issued by the local unit of government must be
3 submitted to the commissioner for the five jobs noted in item A.

4 C. The completed experience plan must contain the
5 signature and certification number of the mentor.

6 D. The submittal must contain any other information
7 necessary to determine compliance with this part.

8 Subp. 5. Amount of experience.

9 A. An applicant for certification as a basic designer
10 must have co-completed with a mentor a minimum of 15 ISTS site
11 and soil evaluations, designs, and management plans for a Type
12 I, II, or III system, as defined under parts 7080.2200 and
13 7080.2300, as published in the State Register, volume 31, pages
14 1054 to 1057, and as subsequently adopted, with a flow of 2,500
15 gallons per day or less, with a minimum of one aboveground
16 system design, and a minimum of one belowground system design.
17 An applicant must observe five installations and five service or
18 operational instances, with mentorship not required. No
19 additional experience is required to qualify for the advanced or
20 MSTS designer certification.

21 B. An applicant for certification as an installer
22 must have completed a minimum of 15 ISTS installations, with a
23 minimum of one aboveground system installation and a minimum of
24 one belowground system installation. An applicant must observe
25 five service or operational instances, with mentorship not
26 required.

27 C. An applicant for certification as an a basic

1 inspector must have co-completed with a mentor a minimum of 15
2 inspections of Type I to-V, II, or III systems, as defined under
3 parts 7080.2200 and 7080.2300, as published in the State
4 Register, volume 31, pages 1054 and 1059, and as subsequently
5 adopted, with a flow of 2,500 gallons per day or less. No
6 ~~additional-experience-is-required-to-qualify-for-an-MSTS~~
7 ~~certification.~~

8 D. An applicant for certification as a maintainer
9 must have co-completed with a mentor a minimum of 15 pump-outs
10 with properly disposed of septage.

11 E. No experience is required to qualify for the
12 service provider certification.

13 7083.1060 CONTINUING EDUCATION.

14 Subpart 1. Renewal requirements.

15 A. All designers and inspectors who are certified or
16 apprentices must complete 18 hours of continuing education
17 training related to SSTS every three years, with a minimum of
18 six of those hours devoted to soils education with a field
19 component. All installers and service providers who are
20 certified or apprentices must complete 12 hours of continuing
21 education training related to SSTS every three years.

22 B. An individual with a maintainer certification must
23 complete ~~nine~~ 12 hours of continuing education related in
24 general to SSTS or ~~six~~ nine hours of continuing education
25 specifically related to SSTS maintenance or land application of
26 septage every three years. A maintainer whose gross annual
27 revenue from pumping systems is \$9,000 or less and whose gross

1 revenue from pumping systems during the year ending May 11,
2 1994, was at least \$1,000 is not subject to the continuing
3 education requirements.

4 C. Certified individuals and apprentices must
5 complete the applicable hours of continuing education under
6 items A and B that meet the criteria under subpart 2 for each
7 time period specified in those items. The continuing education
8 requirement is not increased for multiple specialty area
9 certifications. Continuing education hours earned in excess of
10 those required under this subpart ~~may~~ shall not be carried over
11 to meet the requirements for future renewal periods. The
12 renewal period begins when the first examination is taken in
13 which a passing score is received under part 7083.1040.

14 D. The continuing education must be taken during the
15 time specified in this subpart and remains valid even though not
16 reported before the end of the certification period. However,
17 certification is considered expired until the training is
18 reported. If adequate continuing education training is not
19 taken during the certification period, recertification must be
20 gained by taking the necessary continuing education hours and
21 retaking the examinations.

22 E. In each certification period, certified
23 individuals and apprentices must accrue continuing education
24 hours specified in items A to C. At least one-half of the
25 required training must be directly related to the administrative
26 and technical parts of chapters 7080 to 7083 as published in the
27 State Register, volume 31, pages 1025 to 1101, and as

1 subsequently adopted, as determined by the commissioner.

2 Subp. 2. **Criteria for continuing education.** Coursework
3 that qualifies for continuing education credit is coursework
4 related to the technical aspects of sewage, sewage treatment,
5 SSTS, soil identification, soil interpretation, soil water
6 movement, engineering or environmental health related to SSTS,
7 maintenance or operation of an SSTS, land application of wastes,
8 or other related topics. Credit must also be given for
9 coursework relating to state SSTS rules and statutes and
10 coursework related to the administration of local ordinances,
11 permitting, and inspection. Only programs accredited or
12 otherwise authorized by the commissioner for continuing
13 education credit ~~may~~ are allowed to be used to maintain a
14 certification or apprentice designation.

15 7083.1070 ACCREDITATION OF TRAINING PROGRAMS AND AUTHORIZATION
16 OF TRAINING FOR CONTINUING EDUCATION CREDITS.

17 Subpart 1. **Requirements.** To receive training program
18 accreditation for basic, specialty area, or continuing education
19 training, the program sponsor must submit to the commissioner:

20 A. a written objective that describes expected
21 outcomes for the participant;

22 B. the credentials of the persons conducting the
23 training that demonstrates the trainers' educational and
24 professional background and expertise in and knowledge of SSTS
25 and state SSTS standards, rules, and statutes and specifies the
26 subject areas that the trainers will be responsible for;

27 C. a training plan that demonstrates how the course

1 will meet the requirements in parts 7083.1030 and 7083.1060;

2 D. a method for evaluating successful completion,
3 including the form that will document course participation and
4 successful completion;

5 E. a description of the topics and how much time will
6 be spent on training for each topic during the hours the course
7 is conducted; and

8 F. a document signed by a representative of the
9 sponsoring organization certifying that the sponsor will
10 maintain records of participants, attendance, and successful
11 completions for a minimum of three years.

12 Subp. 2. Procedures for approval. The commissioner shall
13 approve a training course if the information submitted under
14 subpart 1 demonstrates that the course meets the objectives for
15 a specific specialty area under part 7083.1030 or for continuing
16 education under part 7083.1060. The commissioner shall evaluate
17 the submitted information to determine how many continuing
18 education credits will be awarded. ~~The accreditation may be~~
19 ~~reevaluated by the commissioner at any time.~~ The commissioner
20 may shall require that the training program be updated to ensure
21 recent industry developments are included. The commissioner
22 shall cancel accreditation ~~may be canceled by the commissioner~~
23 if the program sponsor does not respond to the commissioner's
24 written request for program information or training course
25 revisions or if the commissioner determines that the program has
26 not met its training objective.

27 Subp. 3. Authorization of training for continuing

1 education credits. Nonaccredited training ~~may qualify~~ qualifies
2 for continuing education credits only if authorized by the
3 commissioner. The person requesting the credits must provide
4 the information requirements of subpart 1 for any nonaccredited
5 training attended and document in written format how the course
6 will meet or has met the requirements under part 7083.1030 or
7 7083.1060, including proof of successful completion of the
8 training. The commissioner ~~may~~ is authorized to prorate the
9 credit hours granted based on the amount of the training that
10 pertains to the SSTS specialty area for which it is requested.

11 7083.1080 SSTS CERTIFICATION.

12 Subpart 1. **Qualifications.** The commissioner shall certify
13 in the appropriate specialty area individuals who successfully
14 satisfy the requirements in parts 7083.1030 to 7083.1060 as
15 applicable to a specialty area in part 7083.1020, subpart 1, and
16 submit a completed application under part 7083.2010, subpart 1,
17 that is approved by the commissioner.

18 Subp. 2. **Multiple certifications.** A certification for
19 each specialty area successfully completed must be added to an
20 individual's certification.

21 Subp. 3. **Certification required.** Except as provided under
22 part 7083.1090, subpart 1, certified individuals under part
23 7083.0900, subpart 1, item A, and qualified employees must be
24 certified under this part.

25 Subp. 4. **Maintaining certification.** To maintain
26 certification, an individual must fulfill the continuing
27 education requirements under part 7083.1060, complete the

1 renewal requirements under part 7083.2010, subpart 4, and
2 fulfill the responsibilities under parts 7083.0710 to 7083.0800
3 that are applicable to specialty area certifications.

4 Subp. 5. Certification maintenance. The commissioner
5 shall assign certification numbers, maintain a statewide
6 certification list, record training, and monitor performance of
7 all persons certified.

8 7083.1090 APPRENTICE.

9 Subpart 1. Qualifications.

10 A. An individual is designated as an apprentice if
11 the individual:

12 (1) successfully completes the requirements in
13 parts 7083.1030 and 7083.1040 for the specialty areas listed in
14 part 7083.1020, subpart 1;

15 (2) is gaining experience through a method
16 approved in part 7083.1050, subpart 2; and

17 (3) submits a complete application as required in
18 part 7083.2010, subpart 1, that is approved by the commissioner.

19 B. An apprentice may is allowed to perform the duties
20 of a certified individual according to parts 7083.0730 to
21 7083.0780 under a restricted license or as a restricted
22 qualified employee if the experience requirements of part
23 7083.1050 are met.

24 Subp. 2. Maintaining apprentice designation. To maintain
25 an apprentice designation, an individual must:

26 A. fulfill the continuing education requirements in
27 part 7083.1060;

1 B. complete the renewal requirements in part
2 7083.2010, subpart 4; and

3 C. fulfill the responsibilities in parts 7083.0710 to
4 7083.0800 that are applicable to specialty area certifications.

5 A certification for each specialty area successfully
6 completed must be added to an individual's certification or
7 apprentice designation.

8 7083.2000 MENTOR DESIGNATION.

9 Subpart 1. **Qualifications.** To be authorized to provide
10 mentorship to an individual to gain the necessary experience for
11 certification under part 7083.1050, subpart 2, items A and B, a
12 mentor must:

13 A. be certified in the mentor specialty area or be an
14 inspector; and

15 B. not have had a violation that resulted in a
16 successful enforcement action within the past five years.

17 Subp. 2. **Commissioner designation.** A candidate found to
18 meet the qualifications as a mentor under this part must be
19 designated by the commissioner as a mentor. The commissioner
20 may shall revoke mentorship designation upon finding a violation
21 that results in an administrative penalty order, stipulation
22 agreement, or schedule of compliance; incompetence; negligence;
23 fraud; illegal activity; or inappropriate conduct in the
24 performance of the duties authorized under the mentorship
25 designation.

26 Subp. 3. **Responsibility.** The mentor is not responsible
27 for any noncompliance attributed to the work of the apprentice.

1 The licensed SSTS business is responsible if the mentor and
2 apprentice are working as employees or on behalf of the same
3 licensed SSTS business.

4 7083.2010 ADMINISTRATION OF CERTIFICATION AND APPRENTICE PROGRAM.

5 Subpart 1. Application; issuance. An individual meeting
6 the qualifications in part 7083.1080, subpart 1, or 7083.1090,
7 subpart 1, is eligible to apply for certification or apprentice
8 designation on a form provided by the commissioner. The
9 commissioner requires 60 days for review of the application. A
10 complete application consists of documentation of training and
11 experience or the experience gaining method meeting the
12 requirements under part 7083.1050, subpart 2. A certification
13 or apprentice applicant ~~may~~ is not allowed to fulfill the duties
14 and responsibilities of a certified or apprentice individual
15 until designated as such in writing by the commissioner.

16 Subp. 2. Approval of certification or apprentice
17 designation. Upon the commissioner's approval of the
18 certification or apprentice application, the commissioner shall
19 issue a number and verification of the individual's status.

20 Subp. 3. Certification and apprenticeship period.
21 Certifications or apprenticeships issued by the commissioner are
22 valid for three years.

23 Subp. 4. Renewal. Every three years, the certified
24 individual or apprentice shall submit an application for renewal
25 on forms provided by the commissioner no later than 60 days
26 prior to the expiration date. The renewal application must be
27 accompanied by documentation of continuing education under part

1 7083.1060.

2 Subp. 5. Denial of application. If the commissioner may
3 ~~deny an application or renewal application for a certification~~
4 ~~or apprentice based on~~ finds evidence of actions listed under
5 part 7083.2020, the commissioner is allowed to deny an
6 application or renewal application for a certification or
7 apprentice. Notice of the pending denial must be served on the
8 applicant by mail. Any pending denial based on part 7083.2020
9 shall not be issued before an opportunity is provided for a
10 contested case hearing complying with Minnesota Statutes,
11 chapter 14.

12 Subp. 6. **Restrictions; conditions.** The commissioner may
13 is allowed to add performance restrictions and training
14 conditions to an individual certification or apprentice
15 designation at any time to address unusual work situations or
16 experience requirements, to take enforcement action under part
17 7083.2020, or to limit the scope of responsibilities under parts
18 7083.0710 to 7083.0800, for an individual. Notice of the
19 pending restriction must be served on the applicant by mail.
20 Any pending restriction shall not be issued before an
21 opportunity is provided for a contested case hearing complying
22 with Minnesota Statutes, chapter 14.

23 7083.2020 ENFORCEMENT ACTION.

24 Subpart 1. **SSTS business licenses.** The commissioner may
25 is authorized to deny, suspend, restrict, revoke, place
26 corrective action, fine, raise bond amounts, or institute other
27 sanctions against an SSTS business license for any of the

1 following reasons:

2 A. failure to meet the requirements for a license;

3 B. failure to comply with applicable requirements;

4 C. submission of false or misleading information or
5 credentials in order to obtain or renew a license;

6 D. failure to provide adequate supervision to
7 noncertified employees;

8 E. incompetence, negligence, fraud, illegal activity,
9 or inappropriate conduct in the performance of the duties
10 authorized under the license;

11 F. failure to report the number of sewage tanks
12 installed and pay tank fees as prescribed in Minnesota Statutes,
13 section 115.551; or

14 G. failure to comply with applicable soil dispute
15 resolution requirements.

16 Subp. 2. Certification and apprentice. If the
17 commissioner may finds any of the following faults, the
18 commissioner is authorized to deny, suspend, restrict, revoke,
19 place corrective action, fine, or institute other sanctions
20 against a certification or apprentice designation ~~for-any-of-the~~
21 ~~following-reasons:~~

22 A. failure to meet the certification or
23 apprenticeship requirements;

24 B. failure to comply with applicable requirements;

25 C. submission of false or misleading information or
26 credentials in order to obtain or renew a certification or
27 apprentice designation;

1 D. incompetence, negligence, fraud, illegal activity,
2 conflict of interest, or inappropriate conduct in the
3 performance of the duties authorized under the certification or
4 apprenticeship; or

5 E. failure to comply with applicable soil dispute
6 resolution requirements.

7 Subp. 3. Complaints.

8 A. Upon receiving a signed written complaint that
9 alleges the existence of grounds for enforcement action against
10 a licensed SSTS business or a certified or apprenticed
11 individual under subpart 1 or 2, the commissioner shall initiate
12 an investigation.

13 B. The complaint must contain the name, address, and
14 telephone number of the complainant; the name of the alleged
15 violators; the alleged violations, dates, and locations; and any
16 other pertinent information to demonstrate the validity of the
17 complaint.

18 C. The commissioner shall evaluate the results of the
19 investigation and consider expert advice as needed in order to
20 determine whether enforcement actions are necessary. The
21 ~~commissioner may convene and enlist expert advice from a~~
22 ~~technical advisory committee.~~

23 D. Enforcement actions shall not be taken before
24 written notice is given to the licensee or individual and an
25 opportunity is provided for a contested case hearing complying
26 with Minnesota Statutes, chapter 14.

27 Subp. 4. Enforcement action. If the commissioner finds

1 that enforcement action is necessary, the actions described in
2 items A to C must be taken.

3 A. A written notice must be sent by certified mail to
4 the licensee, certified individual, or apprentice. The written
5 notice must contain, as applicable, the effective date of the
6 enforcement action, the nature of the violation constituting the
7 basis for the enforcement action, the facts that support the
8 conclusion that a violation has occurred, specific actions
9 necessary to fulfill the terms of the notice, and a statement
10 that a licensee, certified individual, or apprentice who desires
11 a contested case hearing must, within ten calendar days,
12 exclusive of the day of service, file a written request with the
13 commissioner.

14 B. If a hearing is requested, the enforcement action
15 is stayed pending the outcome of the hearing. If the licensee,
16 certified individual, or apprentice does not request a hearing,
17 the business or individual forfeits any opportunity for a
18 hearing.

19 C. A licensee, certified individual, or apprentice
20 whose license, certification, or apprenticeship has been revoked
21 is not entitled to apply for a license, certification, or
22 apprenticeship for one year following the effective date of
23 revocation or for any longer period of time specified in the
24 revocation notice. A licensee, certified individual, or
25 apprentice with a revoked or suspended license, certification,
26 or apprenticeship shall return the license, certification, or
27 apprentice identification card to the commissioner.

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1 Subp. 5. Enforcement; general. General agency enforcement
2 authority under Minnesota Statutes, sections 115.03, 115.071,
3 115.072, 115.56, 116.072, and 116.073, is also available for
4 enforcement actions under this part.

5 Subp. 6. Nonlicensed violations. The commissioner may
6 shall fine, or impose other sanctions, for those implying or
7 advertising to be a certified individual, apprentice, or
8 licensed business or conducting SSTS activities without the
9 required certification, apprenticeship, or license.

10 7083.2030 MINNESOTA POLLUTION CONTROL AGENCY SURETY BOND FORM.

11 Bond No. _____
12

13 MINNESOTA POLLUTION CONTROL AGENCY

14 SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)

15 SURETY BOND

16 KNOW ALL PERSONS BY THESE PRESENTS:

17 THAT _____
18 (Name of Licensee)

19
20 doing business as at

21
22 _____, Minnesota, as Principal, and
23 (Address)

24
25 _____, a corporation authorized
26 (Name of Surety)

27
28 to do surety business in the State of Minnesota, as Surety, are
29 hereby held and firmly bound to the Commissioner of the
30 Minnesota Pollution Control Agency-State of Minnesota and any
31 persons aggrieved by reason of the Principal's failure to
32 faithfully perform the duties, and in all things comply with all
33 laws, ordinances, and rules, pertaining to the Principal's

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1 license or any permit applied for and all contracts entered
2 into, in the sum of ____ THOUSAND DOLLARS (\$_____). For the
3 payment of this sum, Principal and Surety bind themselves, their
4 heirs, representatives, successors and assigns, jointly and
5 firmly by these presents.

6 THE CONDITION of the above obligation is such, that WHEREAS
7 the said Principal is making application with the Minnesota
8 Pollution Control Agency to be licensed as, or has been licensed
9 as, a subsurface sewage treatment system business:

10
11 (specific licenses).

12 NOW THEREFORE, if said Principal shall faithfully and
13 lawfully perform the duties, and in all things comply with the
14 laws and ordinances, including all amendments thereto,
15 appertaining to the license or permit applied for, then this
16 obligation shall be void; otherwise to remain in full force and
17 effect.

18 The aggregate liability of the Surety, regardless of the
19 number of claims made against the bond or the number of years
20 the bond remains in force, shall in no event exceed the amount
21 set forth above. Any revision of the bond amount shall not be
22 cumulative. This bond may be canceled by the Surety as to
23 future liability by giving written notice to the Minnesota
24 Pollution Control Agency, stating the date of cancellation,
25 which in no event shall be less than thirty (30) days after the
26 mailing of said notice; however, the Surety shall remain liable
27 for any and all acts of the Principal covered by this bond up to

1 the date of cancellation.

2 PROVIDED, it is the intention of the parties that this bond
3 be continuous. This bond may be canceled at any time upon
4 giving the said Principal and the Minnesota Pollution Control
5 Agency 30 days written notice, said notice to be served by
6 certified mail, whereupon, except as to any liabilities or
7 indebtedness incurred prior to the termination of this said 30
8 days notice, the liability of the Surety under this bond shall
9 cease. The Surety shall notify the Principal and the Minnesota
10 Pollution Control Agency if payment on the bond has been made
11 which results in the value of the bond falling below the legal
12 requirement.

13 By their signatures below, the parties certify that the
14 wording of this surety bond is identical to the wording
15 specified in Minnesota Rules, part 7083.2030, as the rules were
16 constituted on the date the parties executed the bond.

17 Signed this _____ day of _____, ____.

18 Signed, sealed and delivered in the presence of:

19 _____	_____
20 (Witness as to Principal)	(Licensee name)
21 _____	_____
22 _____	(Signature)
23 _____	_____
24 _____	(Name of Surety Company)
25 (Witness as to Surety)	_____
26 _____	By _____
27 _____	(Attorney-in-Fact)
28 _____	
29 _____	
30 _____	

31 INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGMENT

32 STATE OF _____)
33 COUNTY OF _____)

34 On the _____ day of _____, 20 _____, before
35

1 me, a Notary Public within and for said county, personally
2 appeared, _____ to me known to be the
3 person(s) described in and who executed the foregoing
4 instrument, as Principal(s), and acknowledged to me that _____
5 s/he executed the same as her/his free act and deed.

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Notary Public, _____
County, _____
My Commission Expires _____

(Notarial Seal)

CORPORATE ACKNOWLEDGMENT

18 STATE OF _____)
19 COUNTY OF _____)

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On the _____ day of _____, 20 _____,
before me personally appeared, _____
to me, who being duly sworn, did depose and say: that s/he
resides in _____ the s/he is the _____
_____ President of the _____
_____ the corporation
described in and which executed the foregoing instrument; that
s/he knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corporation;
and that s/he signed her/his name thereto by like order.

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Notary Public, _____
County, _____
My Commission Expires _____

(Notarial Seal)

ACKNOWLEDGMENT OF CORPORATE SURETY

44 STATE OF _____)
45 COUNTY OF _____)

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On the _____ day of _____, 20 _____ before me
personally appeared, _____ to me
known, who being duly sworn, did say: that s/he resides in
_____ the s/he is the aforesaid officer or

1 attorney in fact of _____ a
2 corporation; that the seal affixed to the foregoing instrument
3 is the corporate seal of said corporation; and that said
4 instrument as signed and sealed in behalf of said corporation by
5 the aforesaid officer, by authority of its board of directors;
6 and the aforesaid officer acknowledged said instrument to be the
7 free act and deed of said corporation.

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Notary Public, _____
County, _____
My Commission Expires _____

(Notarial Seal)

SURETY COMPANY POWER OF ATTORNEY MUST BE ATTACHED

20 7083.2040 TRANSITIONING EXISTING REGISTRATIONS AND LICENSES.

21 Subpart 1. Designers. A business licensed, and an
22 individual registered, as a designer I or designer II on the
23 effective date of this chapter are reclassified as basic
24 designers. A business reclassified as a basic designer under
25 this chapter ~~may~~ is authorized to design all types ~~of~~-~~ISTS~~-and
26 ~~MSTS~~ and sizes of SSTS until three years after the effective
27 date of this chapter. After that time, a business designing a
28 ~~Type-IV-or-Type-V-ISTS-or-MSTS~~ systems described under part
29 7083.0740, subpart 1, item B, must meet the requirements of this
30 chapter.

31 Subp. 2. Inspectors. A business licensed, and an
32 individual registered, as a designer I or inspector on the
33 effective date of this chapter are reclassified as basic
34 inspectors. A business or individual reclassified as an
35 inspector under this chapter ~~may~~ is authorized to inspect all

1 types of ~~ISTS-and-MSTS-and-administer-local-programs~~ SSTS until
 2 three years after the effective date of this chapter. After
 3 that time, the business or government employee inspecting a ~~Type~~
 4 ~~IV-or-Type-V-ISTS-or-MSTS,-or-administering-an-SSTS-regulatory~~
 5 ~~program~~ systems described under part 7083.0740, subpart 1, item
 6 B, must meet the requirements of this chapter.

7 Subp. 3. **Maintainers.** A business licensed, and an
 8 individual registered, as a pumper on the effective date of this
 9 chapter is reclassified as a maintainer under this chapter.

10 Subp. 4. **Service provider.** To gain a service provider
 11 license or certification, a business or individual must meet the
 12 requirements of this chapter. ~~A~~ An ISTS licensed business or a
 13 certified individual providing management services before the
 14 effective date of this chapter ~~may~~ is authorized to operate an
 15 SSTS until three years after the effective date of this chapter,
 16 without a service provider license. Three years after the
 17 effective date of this chapter, businesses and individuals
 18 providing SSTS management services must meet the requirements of
 19 this chapter.

20 Subp. 5. **Basic and continuing education.** Designer I's or
 21 designer II's on the effective date of this chapter who take
 22 training to upgrade to an advanced designer ~~or-MSTS-designer~~
 23 within three years after the effective date of this chapter ~~may~~
 24 shall have their training hours credited as fulfilling the
 25 continuing education hours specified in part 7083.1060.
 26 Designer I's or inspectors on the effective date of this chapter
 27 who take training to upgrade to an MSTS advanced inspector

1 within three years after the effective date of this chapter may
2 shall have their training hours credited as fulfilling the
3 continuing education hours specified in part 7083.1060.

4 7083.4000 PRODUCT REVIEW AND REGISTRATION PROCESS.

5 Subpart 1. General.

6 A. The commissioner shall develop a product review
7 and registration process and maintain a list of registered
8 sewage treatment and distribution products for SSTS.

9 B. The commissioner shall develop recommended
10 standards and guidance to assist local units of government in
11 permitting different types of sewage treatment technologies and
12 sewage distribution technologies, including the following five
13 categories:

14 (1) public domain treatment technologies, such as
15 sand filters;

16 (2) proprietary treatment technologies, such as
17 manufactured aerobic treatment systems;

18 (3) public domain distribution technologies, such
19 as drainfield rock or generic drainfield rock substitutes;

20 (4) proprietary distribution technologies, such
21 as gravelless distribution products; and

22 (5) proprietary drip dispersal systems.

23 C. Sewage technologies shall have standards described
24 in this chapter or agency recommended standards and guidance
25 before local units of government are allowed to permit them.
26 Recommended standards and guidance must include information and
27 detail, such as application, design, installation, operation,

1 monitoring and maintenance, and performance expectations, and
2 sources of the information.

3 Subp. 2. Proprietary treatment products; certification and
4 registration.

5 A. To qualify for product registration, manufacturers
6 desiring to sell or distribute proprietary treatment products
7 shall:

8 (1) verify product performance through testing
9 using the testing protocol established in Table I in part
10 7083.4010 and register their product with the commissioner using
11 the process described in parts 7083.4000 to 7083.4120;

12 (2) report test results of influent and effluent
13 sampling obtained throughout the testing period, including
14 normal and stress loading phases, for evaluation of constituent
15 reduction according to Table II in part 7083.4020;

16 (3) demonstrate product performance according to
17 Table III in part 7083.4030. All 30-day averages and geometric
18 means obtained throughout the test period must meet the
19 identified threshold values to qualify for registration at that
20 threshold level; and

21 (4) verify bacteriological reduction according to
22 part 7083.4060, for registration at Levels A and B in Table III
23 in part 7083.4030.

24 B. Manufacturers verifying product performance
25 through testing according to the following standards or
26 protocols shall have product testing conducted by a qualified,
27 third-party testing facility. Product performance testing shall

1 be consistent with the following:

2 (1) National Sanitation Foundation (NSF)
3 International, Residential Wastewater Treatment Systems,
4 Standard 40 (July 2000). The standard is incorporated by
5 reference, is available through the Minitex interlibrary loan
6 system, and is not subject to frequent change;

7 (2) National Sanitation Foundation (NSF)
8 International, Wastewater Treatment Systems - Nitrogen
9 Reduction, NSF/ANSI 245 (2007). The standard is incorporated by
10 reference, is available through the Minitex interlibrary loan
11 system, and is not subject to frequent change;

12 (3) Environmental Protection Agency (EPA) and
13 National Sanitation Foundation (NSF), Protocol for the
14 Verification of Wastewater Treatment Technologies (April 2001).
15 The protocol is incorporated by reference, is available through
16 the Minitex interlibrary loan system, and is not subject to
17 frequent change;

18 (4) Environmental Protection Agency (EPA)
19 Environmental Technology Verification (ETV) Program, Protocol
20 for the Verification of Residential Wastewater Treatment
21 Technologies for Nutrient Reduction (November 2000). The
22 protocol is incorporated by reference, is available through the
23 Minitex interlibrary loan system, and is not subject to frequent
24 change;

25 (5) European Committee for Standardization (CEN),
26 Small Wastewater Treatment Systems for up to 50 PT - Part 3:
27 Packaged and/or Site Assembled Domestic Wastewater Treatment

1 Plants, EN 12566-3 (October 2003). The standard is incorporated
2 by reference, is available through the Minitex interlibrary loan
3 system, and is not subject to frequent change;

4 (6) other equivalent protocols and standards
5 consistent with the above-referenced standards and protocol to
6 verify product performance as approved by the commissioner; and

7 (7) protocol for bacteriological reduction
8 described in part 7083.4060.

9 C. Treatment levels used in part 7083.4030 are not
10 intended to be applied as field compliance standards. Their
11 intended use is to establish treatment product performance in a
12 product testing setting under established protocols by qualified
13 testing entities.

14 7083.4010 TESTING REQUIREMENTS FOR PROPRIETARY TREATMENT
15 PRODUCTS.

16 The testing protocols in this part are incorporated by
17 reference under part 7083.4000, subpart 2, item B.

18 TABLE I

<u>Treatment component/ sequence category</u>	<u>Required testing protocol</u>
<u>Category A: Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment Level C (Table III, part 7083.4030)</u>	<u>NSF Residential Wastewater Treatment Systems, Standard 40, or CEN European Standard, EN-12566-3</u>
<u>Category B: Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment Level C (Table III,</u>	<u>EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies, EPA/ETV Protocol for the Verification of Residential</u>

1	<u>part 7083.4030), including</u>	<u>Wastewater Treatment</u>
2	<u>restaurants, grocery stores,</u>	<u>Technologies for</u>
3	<u>mini-marts, group homes, medical</u>	<u>Nutrient Reduction, or</u>
4	<u>clinics, residences, etc.</u>	<u>equivalent</u>
5	-----	
6	<u>Total nitrogen and</u>	<u>EPA Environmental Technology</u>
7	<u>phosphorus reduction in</u>	<u>Verification, Protocol for the</u>
8	<u>Categories A and B</u>	<u>Verification of Residential</u>
9		<u>Wastewater Treatment</u>
10		<u>Technologies for Nutrient</u>
11		<u>Reduction, or equivalent or</u>
12		<u>NSF Wastewater Treatment</u>
13		<u>Systems - Nitrogen Reduction,</u>
14		<u>Standard 245</u>
15		

16 7083.4020 TEST RESULTS REPORTING REQUIREMENTS FOR PROPRIETARY
 17 TREATMENT PRODUCTS.

18 TABLE II

19	<u>Treatment component/ sequence category</u>	<u>Testing results reported</u>
20		
21	-----	
22	<u>Category A: Designed to treat</u>	<u>Report test results for</u>
23	<u>sewage with strength typical</u>	<u>influent and effluent sampling</u>
24	<u>of a residential source</u>	<u>obtained throughout the</u>
25	<u>when septic tank effluent</u>	<u>testing period for evaluation</u>
26	<u>is anticipated to be equal</u>	<u>of consistent reduction for</u>
27	<u>to or less than treatment</u>	<u>the parameters CBOD₅ and TSS:</u>
28	<u>Level C (Table III,</u>	<u>- Average</u>
29	<u>part 7083.4030)</u>	<u>- Minimum</u>
30		<u>- Median</u>
31		<u>- 30-day average (each month)</u>
32		<u>- Standard deviation</u>
33		<u>- Maximum</u>
34		<u>- Interquartile range.</u>
35		
36		
37		<u>For bacteriological reduction</u>
38		<u>performance, report fecal</u>
39		<u>coliform test results of</u>
40		<u>influent and effluent sampling</u>
41		<u>by geometric mean from</u>
42		<u>samples drawn within 30-day or</u>
43		<u>monthly calendar periods,</u>
44		<u>obtained from a minimum of</u>
45		<u>three samples per week</u>
46		<u>throughout the testing period.</u>
47		<u>See part 7083.4060.</u>
48		<u>Test report must also include</u>
49		<u>the individual results of all</u>
50		<u>samples drawn throughout the</u>

1 test period.
 2
 3 Category B: Designed to treat Report all individual test
 4 high-strength sewage when results and full test average
 5 septic tank effluent is values of influent and effluent
 6 anticipated to be greater than sampling obtained throughout
 7 treatment Level C (Table III, the testing period for
 8 part 7083.4030), including CBOD₅, TSS, and oil
 9 restaurants, grocery stores, and grease.
 10 mini-marts, group homes, Report the treatment capacity
 11 medical clinics, of the product tested in
 12 residences, etc. pounds per day for CBOD₅.
 13 -----
 14 Total nitrogen and Report test results on all
 15 phosphorus reduction in required performance criteria
 16 Categories A and B according to the format
 17 prescribed in the test protocol
 18 described in Table I,
 19 part 7083.4010.
 20

21 7083.4030 PRODUCT PERFORMANCE REQUIREMENTS FOR PROPRIETARY
 22 TREATMENT PRODUCTS.

23 TABLE III

24 Treatment
 25 component/
 26 sequence category Product performance requirements
 27 -----
 28 Category A: Treatment system performance testing levels
 29 Designed to treat
 30 sewage with Level Parameters
 31 strength typical CBOD₅ TSS O&G FC Nutrient
 32 of a residential (mg/L) (mg/L) (mg/L) (#/100ml) (mg/L)
 33 source when septic A 15 15 -- 1,000 --
 34 tank effluent is B 25 30 -- 10,000 --
 35 anticipated to be C 125 80 20 -- --
 36 equal to or less TN -- -- -- -- 20
 37 than treatment TP -- -- -- -- 2
 38 Level C. --- --- --- --- --- ---
 39

40 Values for Levels A and B are 30-day
 41 values (averages for CBOD₅, TSS, and
 42 geometric mean for FC). All 30-day
 43 averages throughout the test period
 44 must meet these values in order to be
 45 registered at these levels. Values
 46 for Levels C, TN, and TP are derived
 47 from full test averages.
 48

49 Category B: All of the following requirements must be
 50 Designed to treat met:

1 high-strength (1) all full test averages must meet
 2 sewage when septic Level C; and
 3 tank effluent is (2) the treatment capacity of the
 4 anticipated to be product tested in pounds per day for CBOD₅
 5 greater than treat- must be reported.
 6 ment Level C,
 7 including
 8 restaurants,
 9 grocery stores,
 10 mini-marts, group
 11 homes, medical
 12 clinics,
 13 residences, etc.

14 -----
 15 Total nitrogen and Test results must establish product
 16 phosphorus performance effluent quality meeting Levels
 17 reduction in TN and TP, when presented as the full test
 18 Categories A and B average.
 19

20 7083.4040 PROPRIETARY TREATMENT PRODUCTS REGISTRATION; PROCESS
 21 AND REQUIREMENTS.

22 A. Manufacturers shall register their proprietary
 23 treatment products with the commissioner by submitting a
 24 complete application in the format prescribed by the
 25 commissioner, including:

26 (1) the manufacturer's name, mailing address,
 27 street address, and telephone number;

28 (2) the contact individual's name, title, mailing
 29 address, street address, and telephone number. The contact
 30 individual must be a company official with the authority to
 31 represent the manufacturer in this capacity;

32 (3) the name, including specific brand and model,
 33 of the proprietary treatment product;

34 (4) a description of the function of the
 35 proprietary treatment product along with any known limitation of
 36 the use of the product;

- 1 (5) product description and technical
2 information, including process flow drawings and schematics,
3 materials and characteristics, component design specifications,
4 design capacity, volumes and flow assumptions and calculations,
5 components, dimensioned drawings, and photos;
- 6 (6) for treatment systems in Category B, daily
7 capacity of the model or models provided in pounds per day of
8 CBOD₅;
- 9 (7) siting and installation requirements;
- 10 (8) a detailed description, procedure, and
11 schedule of routine service and system maintenance events;
- 12 (9) estimated operational costs for the first
13 five years of the treatment component's life including estimated
14 annual electricity usage and routine maintenance costs,
15 including replacement of parts;
- 16 (10) identification of information requested to
17 be protected from disclosure of trade secrets or confidential
18 business information;
- 19 (11) copies of product brochures and manuals,
20 such as sales, promotional, design, installation, operation, and
21 maintenance materials and homeowner instructions;
- 22 (12) the most recently available product test
23 protocol and results report;
- 24 (13) all available product testing results,
25 including a listing of state approvals and denials;
- 26 (14) a signed and dated certification by the
27 manufacturer's authorized senior executive or authorized agent

1 specifically including the following statement: "I certify that
2 I represent (INSERT MANUFACTURING COMPANY HERE) and I am
3 authorized to prepare or direct the preparation of this
4 application for registration. I attest, under penalty of law,
5 that this document and all attachments are true, accurate, and
6 complete. I understand and accept that the product testing
7 results reported in this application for registration are the
8 parameters and values to be used for determining conformance
9 with treatment system performance testing levels established in
10 Minnesota Rules, part 7083.4030.";

11 (15) a signed and dated certification from the
12 testing entity including the statement: "I certify that I
13 represent (INSERT TESTING ENTITY NAME) and I am authorized to
14 report the testing results for this proprietary product. I
15 attest, under penalty of law, that the report about the test
16 protocol and results is true, accurate, and complete."; and

17 (16) a technology review fee if allowed by law.

18 B. Manufacturers shall submit each proprietary
19 product for registration to the commissioner. Products within a
20 single series or model line, sharing distinct similarities in
21 design, materials, and capabilities, are allowed to be
22 registered under a single application, consistent with their
23 test protocols for the certification of other products within a
24 product series. Products outside of the series or model line
25 must be registered under separate applications.

26 C. Upon receipt of the application, the commissioner
27 shall, within 60 days:

1 (1) review the application and verify the
2 application for compliance with item A;

3 (2) if the application is not in compliance with
4 item A, return the application for resubmittal with the
5 requested information for full compliance with item A; and

6 (3) if the application is complete and the
7 commissioner determines that the product meets or exceeds all
8 applicable protocols, the commissioner shall place the product
9 on the list of registered treatment devices. The list of
10 registered treatment devices shall be maintained on the agency
11 Web site.

12 D. Registrations are valid for up to three years,
13 expiring on December 31 of the third year of registration,
14 unless the product is recalled for any reason, found to be
15 defective, or no longer available.

16 E. To renew technology registration, a manufacturer
17 shall:

18 (1) submit a request for renewal of product
19 registration at least 30 days before the current registration
20 expires, using the form or in the format prescribed by the
21 commissioner;

22 (2) submit the results of retesting if the
23 product has completed retesting according to the protocol
24 required for registration and a report from the testing entity
25 has been issued since initial registration or previous renewal.
26 Renewal must be based on the most recent test results; and

27 (3) provide an affidavit to the commissioner

1 certifying whether the product has changed over the previous
2 three years. If the product has changed, the affidavit must
3 include a full description of the changes and how the changed
4 product fulfills the requirements for initial registration.

5 F. As part of the product registration renewal, the
6 commissioner shall:

7 (1) request field assessment comments from local
8 units of government no later than October 31 for product
9 renewal;

10 (2) discuss with the Technical Advisory Panel of
11 the advisory committee established under part 7083.6000 any
12 field assessment information that impacts product registration
13 renewal;

14 (3) notify the manufacturer of any product to be
15 discussed with the Technical Advisory Panel, prior to discussion
16 with the Technical Advisory Panel, regarding the nature of
17 comments received; and

18 (4) renew, modify, or deny the product
19 registration, based on information received during the renewal
20 process.

21 G. The commissioner shall maintain a readily
22 available list of proprietary treatment products meeting the
23 registration requirements established in this chapter. The
24 product registration is a condition of approval for use.

25 H. A manufacturer shall have readily accessible
26 information, specific to a product's registered use in
27 Minnesota, for designers, regulators, system owners, and other

1 interested parties about the product, including but not limited
2 to:

- 3 (1) a product manual;
4 (2) design instructions;
5 (3) installation instructions;
6 (4) information regarding operation and
7 maintenance;
8 (5) homeowner instructions; and
9 (6) a list of representatives and
10 manufacturer-certified service providers, if any.

11 7083.4050 TRANSITION FROM PREVIOUS REQUIREMENTS FOR AEROBIC TANK
12 TREATMENT SYSTEMS AND OTHER TREATMENT SYSTEMS TO NEW REGISTERED
13 LIST.

14 Except for Type V systems designated under part 7080.2400,
15 as published in the State Register, volume 31, page 1061, and as
16 subsequently adopted, the following conditions apply:

17 A. the installation of aerobic tank treatment systems
18 as specified in Minnesota Rules 2005, chapter 7080, and other
19 advanced treatment technologies is allowed for 24 months after
20 the effective date of this chapter;

21 B. after 24 months after the effective date of this
22 chapter, only those products registered under this chapter are
23 allowed to be installed as directed in registration guidance
24 documents;

25 C. to be registered, manufacturers of aerobic tank
26 treatment systems shall apply for product registration. Aerobic
27 tank treatment systems must meet all other requirements

1 established in this chapter for registration; and

2 D. manufacturers of aerobic tank treatment system
3 products shall meet all other requirements established in this
4 chapter for product registration.

5 7083.4060 BACTERIOLOGICAL REDUCTION.

6 Subpart 1. Scope. This part establishes the requirements
7 for registering bacteriological reduction processes.

8 Subp. 2. Verification. Manufacturers shall, for the
9 purpose of product registration as described in parts 7083.4000
10 to 7083.4040 for meeting treatment Level A or B, verify
11 bacteriological reduction performance by sampling and testing
12 for fecal coliform.

13 Subp. 3. Testing process. All test data submitted for
14 product registration must be produced by a qualified,
15 third-party testing organization. Bacteriological reduction
16 performance requirements must be determined while the treatment
17 product or sequence is tested according to the NSF Standard 40
18 testing protocol, or other equivalent commissioner-approved
19 testing protocol. The tester must:

20 A. collect samples from both the influent and
21 effluent streams and identify the treatment performance achieved
22 by the full treatment process, component, or sequence;

23 B. obtain influent characteristics within the range
24 of 10^6 - 10^8 fecal coliform/100 mL calculated as 30-day
25 geometric means during the test;

26 C. test the influent to any disinfection unit and
27 report flow rate, pH, temperature, and turbidity at each

1 occasion of sampling performed in item D;

2 D. obtain samples for fecal coliform analysis during
3 both design loading and stress loading periods, as follows:

4 (1) grab samples shall be collected and analyzed
5 from both the influent and effluent on three separate days of
6 the week; and

7 (2) each set of influent and effluent grab
8 samples must be taken from a different dosing time frame
9 (morning, afternoon, or evening) so that samples have been taken
10 from each dosing time frame by the end of the week;

11 E. conduct analyses for fecal coliform according to
12 Standard Methods for the Examination of Water and Wastewater,
13 prepared and published jointly by the American Public Health
14 Association, American Water Works Association, and Water
15 Environment Federation (1998). The standard methods are
16 incorporated by reference, are available through the Minitex
17 interlibrary loan system, and are subject to frequent change;

18 F. report the geometric mean of fecal coliform test
19 results from all samples taken within 30-day or monthly calendar
20 periods;

21 G. report the individual results of all samples taken
22 throughout the test period for design loading and stress
23 loading; and

24 H. report all maintenance and servicing conducted
25 during the testing period, such as instances of cleaning an
26 ultraviolet lamp or replenishment of chlorine chemicals.

27 Subp. 4. Disinfection. Manufacturers are allowed to

1 register products that either:

2 A. use disinfection in treatment Levels A and B; or

3 B. use disinfection as a component of the process in
4 treatment Level A or B.

5 7083.4070 DISTRIBUTION MEDIUM; CERTIFICATION AND REGISTRATION.

6 A. Drainfield rock distribution media shall meet the
7 requirements in item D and the requirements contained in the
8 recommended standards and guidance for public domain
9 distribution products before local units of government are
10 allowed to permit its use.

11 B. For nonrock distribution media, manufacturers
12 shall register the distribution media, including gravelless
13 distribution media and subsurface drip dispersal products, with
14 the commissioner before the local unit of government is allowed
15 to permit their use.

16 C. Manufacturers desiring to sell distribution media
17 shall certify that the media meet the standards established in
18 this part and register the media with the commissioner using the
19 process in part 7083.4080.

20 D. Distribution media must:

21 (1) be constructed or manufactured from materials
22 that are nondecaying and nondeteriorating and do not leach
23 unacceptable chemicals when exposed to sewage and the subsurface
24 soil environment;

25 (2) provide void space at least equal to the void
26 space provided within a 12-inch layer of drainfield rock in a
27 drainfield-rock-filled distribution system. The void space must

1 be established by the distribution medium, system design, and
2 installation. The density of the media must be maintained
3 throughout the life of the system. This requirement is allowed
4 to be met either on a lineal foot basis or on an overall system
5 design basis;

6 (3) support the distribution pipe and provide
7 suitable effluent distribution and infiltration rate to the
8 absorption area at the soil interface; and

9 (4) maintain the integrity of the trench or bed.

10 The material used, by its nature and manufacturer-prescribed
11 installation procedure, must withstand the physical forces of
12 the soil sidewalls, soil backfill, and weight of equipment used
13 in the backfilling.

14 E. Subsurface drip dispersal products must:

15 (1) be warrantied by the manufacturer for use
16 with sewage and for resistance to root intrusion;

17 (2) have a means to inhibit the accumulation of
18 slime and bacterial growth within the drip line and plugging of
19 the emitters. Emitter discharge rate must be controlled by the
20 use of either pressure-compensating emitters or a pressure
21 regulator.

22 7083.4080 PROPRIETARY DISTRIBUTION PRODUCTS; PROCESS AND
23 REQUIREMENTS.

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

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

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

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

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

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

17 F. siting and installation requirements;

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

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

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

25 J. a quantitative description of the trench-bottom
26 and sidewall absorption area or sizing criteria for drip
27 dispersal systems for each model seeking registration.

1 Manufacturers' quantitative description of the absorption area
2 must be based on the surface area of the product that
3 infiltrates effluent into the soil;

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

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

9 M. a signed and dated certification by the
10 manufacturer's senior executive or agent, specifically including
11 the following statement: "I certify that I represent (INSERT
12 MANUFACTURING COMPANY HERE) and I am authorized to prepare or
13 direct the preparation of this application for registration. I
14 attest, under penalty of law, that this document and all
15 attachments are true, accurate, and complete.";

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

23 O. a technology review fee if allowed by law.

24 Subp. 2. Proprietary media products. Manufacturers shall
25 submit proprietary media products for registration to the
26 commissioner. Products within a single series or model line
27 sharing distinct similarities in design, materials, and

1 capabilities are allowed to be registered under a single
2 application. Products outside of the series or model line must
3 be registered under separate applications.

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

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

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

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

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

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

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

26 B. provide an affidavit to the commissioner
27 certifying whether the product has changed over the previous

1 three years. If the product has changed, the affidavit must
2 include a full description of the changes and how the changed
3 product fulfills the requirements for initial registration.

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

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

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

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

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

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

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

26 A. a product manual;

27 B. design instructions;

- 1 C. installation instructions;
2 D. information regarding operation and maintenance;
3 E. system owner instructions; and
4 F. a list of representatives and
5 manufacturer-certified service providers, if any.

6 7083.4100 TRANSITION FROM PREVIOUS REQUIREMENTS FOR DISTRIBUTION
7 PRODUCTS TO NEW REGISTERED LIST.

8 Except for Type V systems designed under part 7080.2400, as
9 published in the State Register, volume 31, page 1061, and as
10 subsequently adopted, the following conditions apply:

11 A. the distribution products specified in Minnesota
12 Rules 2005, chapter 7080, are allowed to be installed for 24
13 months after the effective date of this chapter;

14 B. after 24 months after the effective date of this
15 chapter, only those products registered under this chapter are
16 allowed to be installed as directed in registration guidance
17 documents;

18 C. to be registered, manufacturers of proprietary
19 distribution products shall apply for product registration; and

20 D. distribution products shall meet all other
21 requirements for registration established in this chapter.

22 7083.4110 PRODUCT DEVELOPMENT PERMITS.

23 Subpart 1. Local government may issue. A local unit of
24 government is authorized to issue a product development permit
25 (PDP) for any proprietary treatment component or sequence during
26 the development period. A local unit of government is

1 authorized to grant a PDP to a Type I, Type II, or Type III
2 system, as described under parts 7080.2200 to 7080.2300, as
3 published in the State Register, volume 31, pages 1054 to 1059,
4 and as subsequently adopted. A local unit of government is also
5 authorized to grant a PDP to a Type IV system, as described
6 under part 7080.2350, as published in the State Register, volume
7 31, page 1059, and as subsequently adopted, if treatment levels
8 of the technologies meet or exceed requirements in the operating
9 permit. The PDP is not an alternative to testing and
10 registration.

11 Subp. 2. Application contents. An application for a PDP
12 must include:

13 A. proof of an existing conforming system in
14 compliance with all local requirements or a permit for a
15 conforming system. The conforming system must be installed in
16 its entirety before the PDP becomes valid;

17 B. a description of the product under development,
18 including performance goals and a description of how the system
19 will be used to treat sewage;

20 C. documentation by the manufacturer that provides
21 for financial assurances to protect the owner, licensed
22 businesses, and local units of government from claims and
23 provides that the manufacturer will cover the correction of any
24 potential public health threats or environmental damage
25 resulting from the use of the product under development.

26 Instruments of financial assurance include: an irrevocable
27 letter of credit in the amount required by the local unit of

1 government issued by an entity authorized to issue letters of
2 credit in Minnesota; cash or a security deposit payable to the
3 local unit of government in the amount required by the local
4 unit of government; or any other financial assurance that
5 satisfies the local unit of government;

6 D. documentation signed by the owner of the proposed
7 product development site allowing access to the local unit of
8 government and the agency and its employees or agents for
9 inspection of the site;

10 E. an agreement to obtain all other required permits;

11 F. a declaration that the applicant meets all state
12 requirements; and

13 G. other information required by the local unit of
14 government.

15 Subp. 3. Additional requirements.

16 A. The local unit of government is authorized to
17 stipulate additional requirements for a PDP necessary to ensure
18 the performance of the conforming system, including, but not
19 limited to, providing performance data to the local unit of
20 government.

21 B. The system owner shall consent in writing to allow
22 the manufacturer access to the system for the duration of the
23 permit.

24 C. The product tester shall agree in writing to
25 contact utility companies before excavation.

26 D. The manufacturer and product tester shall agree in
27 writing to hold harmless, indemnify, and defend the agency and

1 local unit of government from any conduct by the manufacturer or
2 product tester that causes harm or injury to the site owner's
3 property and indemnifies the agency and local unit of government
4 from such claims.

5 Subp. 4. PDP required for each site. A PDP is a
6 site-specific permit. Product development at multiple sites
7 requires a PDP for each site.

8 Subp. 5. Product developer has control. During the term
9 of the PDP, product development, testing, and sampling are under
10 the full control of the product developer and all data collected
11 is considered proprietary information.

12 Subp. 6. PDP duration. A PDP is valid for one year unless
13 renewed by the local unit of government.

14 Subp. 7. End of PDP period. The product development
15 period is over when the original PDP or any subsequently renewed
16 permits have expired. At that time, the product developer
17 shall, at the direction of the local unit of government, remove
18 the product under development from the site, restore the real
19 property to its original condition, and reestablish all
20 appropriate plumbing and power connections for the conforming
21 system.

22 Subp. 8. Revocation or amendment of PDP. The local unit
23 of government is authorized to revoke or amend a PDP:

24 A. if the continued operation or presence of the
25 product under development presents a risk to the public health
26 or the environment, causes adverse effects on the proper
27 function of the conforming system on the site, or leaks or

1 discharges sewage on the surface of the ground;

2 B. if the product developer fails to comply with any
3 requirement stipulated on the permit by the local unit of
4 government; or

5 C. upon request of the site owner.

6 7083.4120 PRODUCT REGISTRATION CONTESTED CASE HEARING.

7 A person is afforded an opportunity for a contested case
8 hearing under Minnesota Statutes, chapter 14, for an approval,
9 denial, or other final agency action in relation to product
10 registration or renewal, within 30 days of the action.

11 7083.6000 ADVISORY COMMITTEE.

12 Subpart 1. Establishment. An advisory committee on
13 subsurface sewage treatment systems is established.

14 Subp. 2. Duties. The committee shall, subject to the
15 approval of the commissioner, review and advise the agency on:

16 A. revisions to chapters 7080 to 7083, as published
17 in the State Register, volume 31, pages 1023-1101, and as
18 subsequently adopted, and legislation relating to SSTS;

19 B. technical data relating to SSTS;

20 C. a technical manual on SSTS;

21 D. educational materials and programs for SSTS;

22 E. the administration of standards and ordinances
23 pertaining to SSTS at the state and local level;

24 F. the product registration and renewal process;

25 G. development of product registration advisory
26 panels; and

1 H. other SSTS activities considered appropriate by
2 the committee.

3 Subp. 3. Membership. The committee consists of the
4 following voting members of whom:

5 A. two must be citizens of Minnesota, representative
6 of the public;

7 B. one must be from the Minnesota Extension Service
8 of the University of Minnesota;

9 C. six must be county administrators, such as zoning
10 administrators, sanitarians, and environmental health
11 specialists, each of whom administers an SSTS permitting or
12 inspection program. The six administrators must be
13 geographically distributed throughout the state;

14 D. one must be a municipal inspector who administers
15 an SSTS permitting and inspection program;

16 E. one must be a township inspector who administers
17 an SSTS permitting and inspection program;

18 F. seven must be SSTS designated certified
19 individuals as defined in part 7083.0020, subpart 6, six of whom
20 have geographic distribution throughout the state and the
21 seventh representing the state at large, with each certification
22 category represented on the committee;

23 G. two must be elected public officials with members
24 having geographic distribution throughout the state; and

25 H. one must be a water well contractor.

26 Subp. 4. Nonvoting members. The following agencies and
27 associations shall each have at least one nonvoting member to

1 assist the advisory committee and to be advised, in turn, on
2 matters relating to chapters 7080 to 7083, as published in the
3 State Register, volume 31, pages 1023-1101, and as subsequently
4 adopted: the agency, the Minnesota Department of Natural
5 Resources, the Minnesota Department of Health, the Minnesota
6 Department of Labor and Industry, the United States Department
7 of Agriculture Natural Resource Conservation Service, the
8 Minnesota Association of Professional Soil Scientists, the
9 Metropolitan Council, the Association of Minnesota Counties, the
10 Minnesota Association of Townships, the League of Minnesota
11 Cities, the Minnesota Society of Professional Engineers, the
12 Association of Small Cities, the Minnesota Association of
13 Realtors, the Minnesota Environmental Health Association, SSTS
14 supplier, the Minnesota On-Site Wastewater Association, the
15 American Society of Home Inspectors, the Minnesota Small
16 Business Association, Hospitality Minnesota, and Minnesota
17 Waters.

18 Subp. 5. Appointment; terms. All voting members must be
19 appointed by the commissioner from recommendations by the named
20 entities or organizations. All members serve four-year terms,
21 with terms staggered to maintain continuity. Voting members,
22 except for individuals serving under subpart 3, item B, shall
23 serve a maximum of two consecutive terms. If the voting
24 member's attendance falls below 50 percent during the term, the
25 appointed member loses membership status for the remaining
26 term. The commissioner shall then appoint a replacement member
27 for the remainder of the term from the recommendation offered by

1 the affected entity or organization. In the case of a vacancy,
2 the commissioner shall appoint a replacement member for the
3 unexpired balance of the term. Administrators, inspectors,
4 elected officials, and contractors must be bona fide residents
5 of this state for at least three years before being appointed
6 and must have at least three years' experience in their
7 respective businesses or offices.

8 Subp. 6. Procedural rules. Robert's Rules of Order Newly
9 Revised, Henry M. Robert (2000), must prevail at all meetings of
10 the advisory committee. Robert's Rules of Order is incorporated
11 by reference, is available through the Minitex interlibrary loan
12 system, and is not subject to frequent change.

13 Subp. 7. Quorum. A quorum consists of nine voting members.