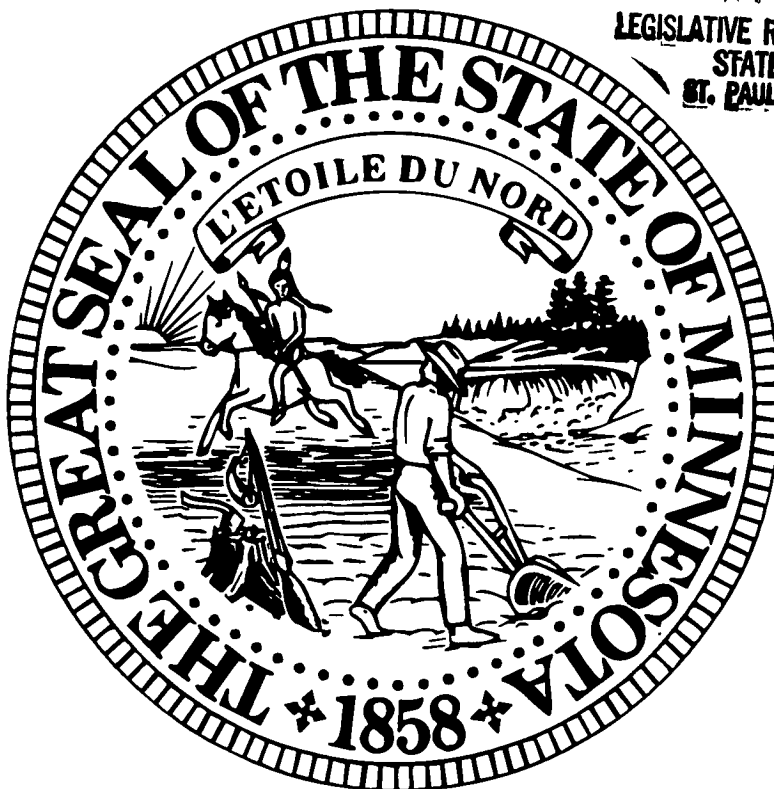


The Minnesota
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Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 29	Tuesday 16 January	Friday 29 December	Monday 8 January 1996
# 30	Monday 22 January	Monday 8 January 1996	Friday 12 January
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Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A McGrath, State Treasurer 612/296-7091
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Perspectives—Publication about the Senate.

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Room 231 State Capitol, St. Paul, MN 55155

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This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday. "Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757. For subscription information call 612/296-0931.

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Minnesota Rules: Amendments and Additions

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The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Administration

Adopted Permanent Rules Relating to Accessibility

The rules proposed and published at *State Register*, Volume 19, Number 48, pages 2289-2299, May 30, 1995 (19 SR 2289), are adopted with the following modifications:

Rules as Adopted

1340.1103 SECTION 1103, BUILDING ACCESSIBILITY.

Subp. 2. UBC Section 1103.1.2.7, item 5, is amended by the addition of the following to read as follows:

~~3. In Group I, Divisions 1-1 and 2 nursing homes and long-term care facilities, at least one in every two patient rooms, or fraction thereof, including associated toilet room and bathrooms. All nonaccessible rooms shall be adaptable and located on an accessible route.~~ 5. In Group I, Division 3 jail, prison, and similar occupancies, at least one in every 30 rooms or cells, or fraction thereof, including associated toilet rooms and bathrooms.

Subp. 3. UBC Section 1103.1.2.9.1 is amended to read as follows:

1103.1.2.9.1 Group R Occupancies - General. Group R Occupancies shall be accessible or adaptable as provided in this chapter.

EXCEPTION: Owner-occupied dwelling units.

Public- and common-use areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox locations, lobbies, foyers, and management offices shall be accessible.

EXCEPTION: ~~When recreational facilities are provided accessory to accessible dwelling units,~~ Only 25 percent of recreational facilities need be accessible, provided not less than one of each type in each group of such facilities shall be accessible. All recreational facilities of each type on a site shall be considered in determining the total number of each type which are required to be accessible.

Subp. 4. UBC Section 1103.1.2.9.2 is amended to read as follows:

1103.1.2.9.2 Apartment houses ~~and residential condominium developments~~. In apartment houses ~~and residential condominiums~~ containing more than seven dwelling units, at least two percent, but not less than one, of the dwelling units shall be accessible. All dwelling units on a site shall be considered to determine the total number of accessible dwelling units. All dwelling units on accessible routes shall be adaptable. Accessible dwelling units shall comply with CABO/ANSI A117.1 sections 4.3.3, ~~4.13.5~~ 4.13, 4.25, and 4.33. Adaptable dwelling units shall comply with CABO/ANSI A117.1 sections 4.3.3, 4.13.5, 4.20.2.2, 4.22.2.1, 4.22.2.2, 4.25.3, 4.33.3.1, 4.33.3.2.1, 4.33.3.2.3, 4.33.3.4.1, 4.33.3.4.3, 4.33.3.5 Exception 2, 4.33.3.6, 4.33.4.1, and 4.33.4.2.

EXCEPTION: Dwelling units with two or more stories in a nonelevator building need not be accessible; or adaptable.

Subp. 5. UBC Section 1103.1.2.9.3 is amended to read as follows:

1103.1.2.9.3 Hotels and lodging houses. In hotels, motels, lodging houses, resorts, dormitories, and other similar places of transient housing, accessible facilities shall be provided according to UBC Table No. 11-D including associated bathing, shower, and toilet facilities. ~~In hotels with 51 or more guest rooms, 50 percent, but not less than one, of the accessible guest rooms shall have a~~

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

roll-in shower. Additional accessible sleeping rooms or suites that include a roll-in shower shall be provided in facilities with 51 or more guest rooms according to UBC Table No. 11-D.

EXCEPTION: Transient housing that contains not more than five rooms for rent and that is actually occupied by the proprietor of the facility as the residence of the proprietor.

TABLE NO. 11-D - NUMBER OF ACCESSIBLE UNITS

<u>TOTAL NUMBER OF ROOMS</u>	<u>ACCESSIBLE ROOMS</u>	<u>ROOMS WITH ROLL-IN SHOWERS</u>	<u>TOTAL ACCESSIBLE ROOMS</u>
1-25	1		1
26-50	2		2
51-75	3	1	4
76-100	4	1	5
101-150	5	2	7
151-200	6	2	<u>Accessible rooms plus rooms with roll-in showers</u>
201-300	7	3	
301-400	8	4	
401-500	9	<u>4 plus 1 for each additional 100, or fraction thereof, over 400</u>	
501-1,000	<u>2% of total units rooms</u>		
Over 1,000	<u>20 plus 1 for every 100 units rooms, or fraction thereof, over 1,000</u>		

In addition to the accessible guest rooms required above, guest rooms for persons with hearing impairments shall be provided in accordance with Table No. 11-B. Guest rooms for persons with hearing impairments shall be provided with visible and audible alarm-indicating appliances, activated by both the in-room smoke detector and the building fire-protective signaling system.

TABLE NO. 11-B - NUMBER OF ROOMS FOR PERSONS WITH HEARING IMPAIRMENTS

<u>TOTAL NUMBER OF ROOMS</u>	<u>MINIMUM REQUIRED NUMBER</u>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	<u>2% OF TOTAL ROOMS</u>
Over 1,000	<u>20 plus 1 for every 100 rooms or fraction thereof, over 1,000</u>

Subp. 8. UBC Section 1103.2.4 is amended to read as follows:

1103.2.4.1 Signs - International symbol of accessibility. In addition to the requirements of *Minnesota Statutes*, section 16B.61, subdivision 5, paragraph (e), the following elements and spaces of accessible facilities shall be identified by the international symbol of accessibility.

1. Accessible parking spaces regulated in *Minnesota Statutes*, section 169.346, subdivision 2, paragraph (a).
2. Accessible areas of refuge.
3. Accessible passenger loading zones.

4. Accessible toilet and bathing facilities.

1103.2.4.2 Other signs. Inaccessible building entrances, inaccessible public toilets and bathing facilities, and elevators not on an accessible route shall be provided with directional signage indicating the route to the nearest similar accessible element.

For assembly areas, a sign notifying the general public of the availability of assistive listening systems shall be provided ~~in~~ at the entrance to the assembly area, ticket offices, and similar locations.

Signage which provides direction to or information about functional spaces of the building shall be provided in accordance with CABO/ANSI A117.1 sections 4.28.2, 4.28.3, and 4.28.5.

Signage indicating exits, restrooms, and room numbers shall be provided in accordance with CABO/ANSI A117.1 sections 4.28.2, 4.28.5, 4.28.6, and 4.28.7.

Each door to an exit stairway shall have a tactile sign, including raised letters and Braille, stating EXIT and shall comply with CABO/ANSI A117.1.

At exits and elevators serving a required accessible space, but not providing an approved accessible means of egress, signs shall be installed indicating the location of accessible means of egress.

1340.1106 APPENDIX SECTION 1106 ACCESSIBLE EXTERIOR ROUTES.

UBC Appendix Section 1106.1 is amended to read as follows:

1106.1 General. Accessible exterior routes shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public sidewalks to the accessible building entrance they serve. Exterior accessible routes shall not exceed a slope of 1:20.

EXCEPTION: Curb ramps shall comply with CABO/ANSI A117.1 section 4.7 and shall have a maximum rise of eight inches.

When more than one building or facility is located on a site, at least one accessible route shall connect accessible elements, facilities, and buildings that are on the same site. The accessible route between accessible parking and accessible building entrances shall be the most practical direct route.

1340.1120 SECTION 4.6.2 PARKING SPACES.

Subpart 1. Section 4.6.2 of CABO/ANSI A117.1 is amended to read as follows:

4.6.2 Parking spaces. Parking spaces for persons with disabilities shall be 96 inches (2440 mm) wide minimum and shall have an adjacent access aisle 60 inches (1525 mm) wide minimum, see Figure B4.6.2. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with section 4.3. Two accessible parking spaces shall be permitted to share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

Accessible parking spaces shall be identified by a sign centered on the head of the space, located a maximum of 96 inches (2400 mm) from the head of the space. Such sign shall be mounted from 48 inches (1200 mm) to 60 inches (1525 mm) between the bottom of the sign and the parking surface, showing the international symbol of accessibility and complying with *Minnesota Statutes*, section 169.346, subdivision 2, paragraph (a). The line of sight from the driver's position, in a vehicle parked in the space, to the sign shall not be obscured by permanent or temporary objects.

EXCEPTION: Parallel parking spaces shall have the sign located on the side at the head end of the space.

Subp. 2. Section 4.6.4 of CABO/ANSI A117.1 is amended by adding a paragraph to read as follows:

Van access aisles shall be identified by a sign located at the head of the aisle a maximum of 96 inches (2400 mm) from the head of the aisle. This sign shall be mounted from 48 to 60 inches (1200 to 1525 mm) between the bottom of the sign and the parking surface and shall indicate "no parking," "access aisle," or similar notification. The line of sight from the access aisle to the sign shall not be obscured by permanent or temporary objects.

1340.1130 SECTION 4.10.1 NEW ELEVATORS.

Subp. 2. Section 4.10.1.14 of CABO/ANSI A117.1 is amended to read as follows:

4.10.1.14 Emergency communications. If provided, car emergency signaling devices between the elevator and a point outside the hoistway shall comply with chapter 1307. The highest operable part of a two-way communication system shall be a maximum of

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Adopted Rules

48 inches (1220 mm) above the floor. If the device is located in a closed compartment, the compartment door hardware shall comply with section 4.25. The device shall be identified by raised symbols and lettering complying with section 4.28 and located adjacent to the device. If the system uses a handset, the cord from the panel to the handset shall be 29 inches (735 mm) long minimum. The car emergency signaling device shall ~~not be limited to voice communication~~ provide both visible and audible signals. If instructions for use are provided, essential information shall be presented in both tactile and visual form.

1340.1155 SECTION 4.13.12 AUTOMATIC DOORS.

Section 4.13.12 of CABO/ANSI A117.1 is amended by adding a paragraph to read as follows:

Push button switches shall have a five-inch (125 mm) minimum diameter, be mounted 30 inches (762 mm) to 36 inches (915 mm) above the floor and not less than 30 inches (762 mm) nor more than 48 inches (1219 mm), horizontally from the nearest point of travel of the moving door.

Department of Labor and Industry

Adopted Permanent Rules Relating to OSHA; Standard Industrial Classifications

The rules proposed and published at *State Register*, Volume 20, Number 9, pages 376-395, August 28, 1995 (20 SR 376), are adopted with the following modifications:

Rules as Adopted

5205.1500 STANDARD INDUSTRIAL CLASSIFICATION LIST FOR AWAIR.

Employers in the standard industrial classifications listed in this part must comply with *Minnesota Statutes*, section 182.653, subdivision 8. The standard industrial classifications in this part are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

VV. Health services:

- (1) ~~8011, offices and clinics of medical doctors;~~
- (2) ~~8021, offices and clinics of dentists;~~
- (3) ~~8031, offices and clinics of osteopathic physicians;~~
- (4) ~~8041, offices and clinics of chiropractors;~~
- (5) ~~8042, offices and clinics of optometrists;~~
- (6) ~~8043, offices and clinics of podiatrists;~~
- (7) ~~8049, offices of health practitioners, not elsewhere classified;~~
- (8) ~~8051, skilled nursing care facilities;~~
- (9) (2) ~~8052, intermediate care facilities;~~
- (10) (3) ~~8059, nursing and personal care, not elsewhere classified;~~
- (11) (4) ~~8062, general medical and surgical hospitals;~~
- (12) (5) ~~8063, psychiatric hospitals;~~
- (13) (6) ~~8069, specialty hospitals, except psychiatric;~~
- (14) ~~8071, medical laboratories;~~
- (15) ~~8072, dental laboratories; and~~
- (16) (7) ~~8082, home health care services.~~

YY. Justice, public order, and safety:

- (1) 9211, courts;
- (2) 9221, police protection;
- (3) 9222, legal counsel and prosecution;
- (4) 9223, correctional institutions;
- (5) 9224, fire protection; and
- (6) 9229, public order and safety, not elsewhere classified.

Pollution Control Agency

Adopted Permanent Rules Relating to Individual Septic Tank Sewage Treatment Systems Program

The rules proposed and published at *State Register*, Volume 20, Number 4, pages 93-143, July 24, 1995 (20 SR 93), are adopted with the following modifications:

Rules as Adopted

7080.0010 PURPOSE AND INTENT.

The improper location, design, installation, use, and maintenance of individual sewage treatment systems adversely affects the public health, safety, and general welfare by discharge of inadequately treated sewage to the ground surface, surface waters, and ground waters. In accordance with the authority granted in *Minnesota Statutes*, chapters 103F, 103G, 115, and 116, the Minnesota Pollution Control Agency, hereinafter referred to as the agency, does hereby provide the minimum standards and criteria for individual sewage treatment systems, and thus protects the surface and ground waters of the state, and promotes the public health, safety, and general welfare.

This chapter does not address systems treating industrial or animal waste or wastewater that may contain hazardous materials. Industrial wastewater treatment systems receiving nonhazardous wastes ~~or individual sewage treatment systems serving more than 20 persons~~ are regulated by the United States Environmental Protection Agency as Class V injection wells under *Code of Federal Regulations*, title 40, part 144. These federal regulations along with this chapter also cover individual sewage treatment systems serving more than 20 persons.

It is the intent of this chapter to provide clear, reliable, and cost-effective technical standards and criteria; to provide a framework for permitting and inspection programs to be administered at the local level; and to describe the responsibilities, licensing, and enforcement requirements for individual sewage treatment system professionals. The technical portions of this chapter are based on current research and practical field applications to achieve adequate sewage treatment. In conjunction with these minimum standards, the agency encourages the use of advanced treatment methods to further reduce the discharge of contaminants.

In addition to establishing minimum technical standards, this chapter establishes minimum administrative requirements for local units of government that adopt local ordinances to regulate individual sewage treatment systems, establishes requirements for those areas without such ordinances, and establishes programs for licensing businesses and training and registering ISTS professionals.

7080.0020 DEFINITIONS.

Subp. 1a. **Absorption area.** "Absorption area" means the area below a mound that is designed to absorb sewage tank effluent. This area is determined by multiplying the rockbed length by the required absorption width. The required absorption width is determined by using part 7080.0170, subpart 5, item B, subitems (4) and (5).

Subp. 4a. **Applicable requirements.** "Applicable requirements" means local individual sewage treatment system ordinances that comply with this chapter or, in areas without an ordinance to regulate individual sewage treatment systems, the requirements of this chapter.

Subp. 4b. **Apprentice.** "Apprentice" means an individual who has completed training and passed the examination requirements under parts 7080.0805 and 7080.0810 for the specialty area applicable to the work to be performed and has been designated an apprentice by the commissioner.

Subp. 7a. **Building.** "Building" means all potentially occupied structures and any structure whose foundation could be damaged and structural integrity jeopardized by the seepage of sewage or sewage tank effluent.

Subp. 9a. **Business.** "Business" means an individual or organization that conducts site evaluations or designs, installs, maintains, repairs, pumps, or inspects an individual sewage treatment system.

Subp. 10b. **Certified statement.** "Certified statement" means a statement signed ~~statement~~ by a licensee or qualified employee certifying that work was completed in accordance with applicable requirements.

Subp. 11d. **Compliance inspection.** "Compliance inspection" means ~~conducting site investigations, gathering and reviewing information, or conducting tests~~ any evaluation, investigation, inspection, or other such process to make conclusions, recommenda-

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tions, or statements regarding an individual sewage treatment system to reasonably assure an individual sewage treatment system is in compliance as specified under part 7080.0060. Compliance inspections must be conducted by a qualified employee or under a license independent of the owner and the installer.

Subp. 11e. **Conforming systems.** "Conforming systems" means individual sewage treatment systems that were installed according to all applicable local standards adopted and in effect at the time of installation, but does not include systems which are failing as defined in subpart 16a.

Subp. 12b. **Disclosure.** "Disclosure" means any conclusions or statements regarding an ISTS made by the owner of a property with or served by an ISTS to fulfill the requirements of Minnesota Statutes, section 115.55, subdivision 6. ISTS information provided by someone other than the property owner must meet the requirements under part 7080.0300, subpart 6.

Subp. 12b. **12c. Distribution box.** "Distribution box" means a device designed to concurrently and equally distribute sewage tank effluent by gravity to a soil treatment system.

Subp. 12e. **12d. Distribution device.** "Distribution device" means a device used to receive and transfer effluent from a supply pipe to distribution pipes or downslope supply pipes, or both. These devices are commonly known as drop boxes, valve boxes, distribution boxes, or manifolds.

Subp. 12d. **12e. Distribution medium.** "Distribution medium" means the material used to distribute the sewage tank effluent within a soil treatment system. This medium includes drainfield rock, gravelless drainfield pipe in a geotextile wrap, or a chambered system.

Subp. 16a. **Failing system.** "Failing system" means any system that discharges untreated or partially treated sewage to the ground surface, surface water, or groundwater, a seepage pit, cesspool, drywell, or leaching pit; and any system with less than three feet of soil or sand between the system bottom of the distribution medium and the saturated soil level or bedrock; and any system causing sewage backup into a dwelling or other establishment. In addition, any system posing an imminent threat to public health or safety as defined in subpart 19a shall be considered failing. Upgrade requirements for these systems are found under parts 7080.0060, subparts 3 and 4, and 7080.0315 or 7080.0350.

Subp. 18. **Greywater.** "Greywater" means liquid waste from a dwelling or other establishment produced by bathing, laundry, culinary operations, and from floor drains associated with these sources, and specifically excluding sewage that does not contain toilet waste wastes.

Subp. 19a. **Imminent threat to public health or safety.** "Imminent threat to public health or safety" means situations with the potential to immediately and adversely impact or threaten public health or safety. At a minimum, ground surface or surface water discharges or adversely impacted wells and any system causing sewage backup into a dwelling or other establishment shall constitute an imminent threat.

Subp. 19c. **ISTS professional.** "ISTS professional" means a person who conducts site evaluations or designs, installs, alters, repairs, maintains, pumps, or inspects systems as set forth in this chapter all or part of an individual sewage treatment system and is required to comply with applicable requirements.

Subp. 22c. **Local ordinance.** "Local ordinance" means any ordinance that complies with this chapter enacted by the governing body of a local unit of government to regulate individual sewage treatment systems and/or any ordinance to regulate the issuance of permits or variances for the addition of a bedroom or bathroom on property served by an individual sewage treatment system.

Subp. 22f. **More restrictive standards.** "More restrictive standards" means the modification of this chapter the technical standards and criteria with the intention of providing an additional measure of public health or environmental protection, additional margins of safety, or greater system longevity. More restrictive standards may place additional requirements on standard systems but may not eliminate the use of a standard system.

Subp. 23. **Mottling.** "Mottling," as applied to soils, means a zone of chemical and reduction activity, appearing as splotchy patches of red, brown, or gray in the soil. In subsoils with a color value of four or more, the term mottling also includes soil having matrix colors with a chroma of two or less as described in "Keys to Soil Taxonomy" 5th Edition, 1992 Soil Management Support Services, technical monograph No. 19, which is incorporated by reference. This document is provided by the Agency for International Development, United States Department of Agriculture Soil Conservation Service, Soil Management Support Services. The document was printed by Pocahontas Press, Inc., P.O. Drawer F, Blacksburg, Virginia 24063-1020. It can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and is not subject to frequent change.

Subp. 24b. **New construction.** "New construction" means installing or constructing a new individual sewage treatment system in its entirety; or a holding tank, curtain drain, privy, artificial drainage or collector system; or altering, extending, or adding capacity to an existing individual sewage treatment system.

Subp. 24e. Nonconforming system. "Nonconforming system" means a failing system as defined in subpart 16a or a system not constructed in compliance with all applicable local standards adopted and in effect at the time of installation.

Subp. 24e. Ordinary high water level. "Ordinary high water level" means the boundary of public waters and wetlands, that is an elevation delineating the highest water level maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water-courses, the ordinary high water level is the elevation of the top of the bank of a channel. For reservoirs and flowages the ordinary high water level must be the operating elevation of the normal summer pool has the meaning given in Minnesota Statutes, section 103G.005, subdivision 14.

Subp. 26a. Permit. "Permit" means a building, construction, sanitary, planning, zoning, or other such permit issued for new construction, replacement, repair, alteration, or extension of an individual sewage treatment system, including ~~holding tanks, curtain drains, privies,~~ artificial drainage and collector systems. Permit also means a permit issued for the addition of a bedroom or bathroom on property served by an individual sewage treatment system.

Subp. 28a. Privy. "Privy" means an aboveground structure with an underground cavity meeting the requirements of part 7080.0910, subpart 3, item E, which is used for the storage or treatment and disposal of toilet wastes, specifically excluding water for flushing and greywater.

Subp. 28a. 28c. Public waters. "Public waters" means any public waters or wetlands as defined in *Minnesota Statutes*, section 103G.005, subdivisions 15 and 19, or identified as public waters or wetlands by the inventory prepared pursuant to *Minnesota Statutes*, section 103G.201.

Subp. 28b. 28d. Qualified employee. "Qualified employee" means an employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the ISTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under part 7080.0815, subpart 1, item B or C, and has been issued performance restrictions.

Subp. 28e. 28e. Replacement. "Replacement" means the replacement of an existing sewage tank, holding tank, dosing chamber, ~~curtain drain~~ artificial drainage, privy, collector system, or soil treatment system.

Subp. 28e. 28f. Restaurants. "Restaurants" means establishments that prepare and serve meals and at which multiple use dishes and utensils are washed.

Subp. 31. Septage. "Septage" means solids and liquids removed during periodic maintenance of an individual sewage treatment system, or solids and liquids which are removed from toilet waste treatment devices or a holding tank.

Subp. 45b. Standard system. "Standard system" means an individual sewage treatment system built in compliance with parts 7080.0600 to 7080.0910.

Subp. 45e. 45b. Supply pipe. "Supply pipe" means any nonperforated pipe whose purpose is the transport of sewage tank effluent. Supply pipes must meet or exceed the requirements for building sewers in part 7080.0120.

Subp. 48. Toilet waste. "Toilet waste" means waste commonly disposed of in toilets including fecal matter, urine, toilet paper, and any water used for flushing and specifically excluding sanitary napkins, tampons, and disposable diapers. Alternative or experimental systems may allow the disposal of sanitary napkins, tampons, and disposable diapers if the technology specifically addresses the treatment and disposal of these types of solid waste.

7080.0025 ADVISORY COMMITTEE.

Subp. 3. Membership. The committee shall consist of the following voting members. Of the voting members:

C. six shall be county administrators, such as zoning administrators ~~and~~, sanitarians, and environmental health specialists, one from each of the five agency regions and one from the seven-county metropolitan area;

Subp. 4. Ex officio members. The following agencies and associations shall each have one nonvoting ex officio member to assist the advisory committee and to be advised, in turn, on matters relating to ISTS: the agency, Department of Natural Resources, Minnesota Department of Health, United States Department of Agriculture Soil Conservation Service, Metropolitan Council, Association of Minnesota Counties, Minnesota Association of Townships, League of Minnesota Cities, Minnesota Society of

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Engineers, Association of Small Cities, Minnesota Association of Campground Operators, Inc., Minnesota Association of Realtors, Minnesota County Recorders' Association, and Minnesota Environmental Health Association, Minnesota On-site Sewage Treatment Contractor's Association, and the American Society of Home Inspectors.

Subp. 5. Appointment; terms. All members shall be appointed by the agency board from recommendations by the affected groups. All members shall serve for four years, with terms staggered so as to maintain continuity. In the case of a vacancy, an appointment shall be made for the unexpired balance of the term. The administrators, inspectors, and contractors shall have been bona fide residents of this state for at least three years before appointment, and shall have had at least three years' experience in their respective businesses.

Subp. 6. Robert's rules. Robert's Rules of Order shall prevail at all meetings of the advisory committee.

7080.0030 ADMINISTRATION BY STATE AGENCIES; SDS AND NPDES PERMIT REQUIREMENTS.

Subp. 2. Application for SDS permit. For an individual sewage treatment system that is required to have an SDS permit under subpart 1, the owner must submit to the agency a complete set of plans and specifications with the completed SDS permit application which includes the information under items A to I in such detail as appropriate for the complexity of the system:

B. a site evaluation which includes detailed soil descriptions in accordance with part 7080.0110 and with any additional methods as specified in the Soil Survey Manual, Agricultural Handbook No. 18 (October 1993), which is incorporated by reference. The manual is issued by the United States Department of Agriculture and is available through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. It can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and is not subject to frequent change;

Subp. 4. Administration by all state agencies. Individual sewage treatment systems serving establishments or facilities licensed or otherwise regulated by Minnesota shall conform to the requirements of this chapter. Any individual sewage treatment systems requiring approval by the state shall also comply with all applicable local codes and ordinances. Plans and specifications must receive the appropriate state and local approval before construction is initiated.

7080.0065 PROHIBITIONS.

A. Sewage, sewage tank effluent, or seepage from a soil treatment system shall not be discharged into any well or boring as defined in chapter 4725 or any other excavation in the ground not in compliance with this chapter.

B. Footing or roof drainage and chemically treated hot tub and pool water shall not enter any part of a system. Products containing hazardous materials waste and hazardous substances must not be discharged to a system other than in normal amounts of household products and cleaners designed for household use. Substances not intended for use in household cleaning including solvents, pesticides, flammables, photo finishing chemicals, and dry cleaning chemicals must not be discharged to the system.

7080.0110 SITE EVALUATION.

Subp. 2a. Preliminary evaluation. A preliminary evaluation shall consist of:

E. ten-year floodplain designation and flooding elevation from published data as available or from data which is acceptable to and approved by the permitting authority or the DNR;

Subp. 4. Field evaluation. A field evaluation consists of:

C. soil observations. The number of soil observations required is the smallest number necessary to adequately characterize the site based on the professional judgment of the individual conducting the site evaluation or the permitting authority with a minimum of one observation per site. Soil observations shall be performed in an exposed pit, or by hand augering, or probing. Underground utilities must be located before soil observations are undertaken. Required safety precautions must be taken before entering soil pits. Flite augers which are noncontinuous or disturb extracted soil samples are not allowable for soil observation. Soil observations shall be conducted prior to any required percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depths percolation tests shall be conducted. The depth of the soil boring shall be to the seasonally saturated layer, bedrock, or three feet below the proposed depth of the system, whichever is less;

F. the suitable soil treatment system area and absorption areas shall be protected the individual conducting the site evaluation shall provide a means of protection from compaction and disturbance for the area proposed for the soil treatment system.

Subp. 5a. Site evaluation reporting. A written report on the site evaluation shall be prepared covering at least the following:

H. name, address, telephone number, and signature of the site evaluator/designer individual conducting the site evaluation.

Subp. 6. Additional soil treatment areas. If a suitable additional soil treatment area is available, it must be identified in the site evaluation.

7080.0120 BUILDING SEWERS.

Subpart 1. Plumbing and Well Codes. The design, construction, and location of, and the materials for use in building sewers

are governed by shall be in accordance with the Minnesota State Building Code, chapter 1300, which incorporates by reference portions of the Minnesota Plumbing Code, chapter 4715, and specific provisions of the Minnesota rules relating to wells and borings, chapter 4725.

7080.0125 SEWAGE FLOW DETERMINATION FOR DWELLINGS AND OTHER ESTABLISHMENTS.

Subp. 4. **Water meter.** An individual sewage treatment system that serves other establishments must not be installed unless a water meter is provided to measure the flow to the treatment system. For metered systems that have sewage tank effluent pumped to a soil treatment system, an electrical event counter or other method of flow measuring must also be employed.

7080.0130 SEWAGE TANKS.

Subpart 1. **General.** All tanks, regardless of material or method of construction, must:

F. not be constructed on site when saturated soil conditions during construction are closer than three inches to the bottom of the excavation;

H. have a written and graphic label affixed to ~~manhole~~ maintenance hole covers of sewage tanks warning of the hazardous conditions inside the tanks.

Subp. 2. **Design of septic tanks.** All tanks, regardless of material or method of construction, shall conform to the following criteria:

H. The outlet baffle and the baffles between compartments shall extend below the liquid surface a distance equal to 40 percent of the liquid depth except that the penetration of the indicated baffles or sanitary tees for horizontal cylindrical tanks shall be 35 percent of the total liquid depth. They also shall extend above the liquid surface as required in item D. In no case shall they extend less than six inches above the liquid surface. Gas deflecting baffles shall be installed on the outlet of the final septic tank which serves ~~another~~ an other establishment.

I. The top of the inlet baffle may extend through the top of the tank or ~~manhole~~ maintenance hole cover. The cap must be easily accessible.

M. Access to the septic tank shall be as follows:

(2) There shall be an inspection pipe of at least four inches in diameter over both the inlet and outlet baffles. The inspection pipe shall extend through the tank cover or the ~~manhole~~ maintenance hole cover, be secured, and be capped flush with or above finished grade. A downward projection of the center line of the inspection pipe shall be directly in line with the center line of the inlet or outlet device.

N. Compartmentation of single tanks.

(4) ~~In compartmented tanks a minimum two-inch drop shall occur between the inlet and outlet of each compartment.~~ Connections between compartments shall be baffled to obtain effective retention of scum and sludge. The submergence of the inlet and outlet baffles of each compartment shall be as specified in ~~item~~ items G and H.

(6) Adequate access to each compartment shall be provided by one or more ~~manholes~~ maintenance holes, at least 20 inches least dimension, and located within six feet of all walls of the tank. The ~~manhole~~ maintenance hole shall extend through the top of the tank compartment cover to a point between zero and a 12 inch depth below finished grade. If the ~~manhole~~ maintenance hole is between zero and six inches below finished grade, the ~~manhole~~ maintenance hole cover must be secured to prevent unauthorized access.

Subp. 3. **Liquid capacity of septic tanks.** Any liquid depth which is greater than 78 inches shall not be used when calculating the tank capacity. Liquid capacity of septic tanks is as described in items A to E.

A. Dwellings. The liquid capacity of a septic tank serving a dwelling shall be based on the number of bedrooms existing and anticipated in the dwelling served and shall be at least as large as the liquid capacities given in Table II (see part 7080.0020, subpart 7).

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Table II

Number of Bedrooms	Septic Tank Liquid Capacities (gallons)
2 or less	750
3 or 4	1,000
5 or 6	1,500
7, 8 or 9	2,000

For ten or more bedrooms, the septic tank shall be sized as ~~another~~ an other establishment. See item B.

B. Other establishments. The liquid capacity of septic tanks serving other establishments ~~using~~ shall use the method in subitem (1), (2), or (3).

(3) For restaurants and laundromats, sufficient detention time or pretreatment must be provided to produce an effluent quality suitable for discharge to a soil treatment system. For laundromats the outlet baffle of ~~a all septic tank tanks and baffles between compartments~~ must be submerged to a depth of 50 percent of the liquid depth of the tank.

Subp. 6. **Aerobic tanks.** Aerobic tank treatment systems shall comply with the general requirements for sewage tanks set forth in subpart 1, and with the following:

D. ~~A An effective~~ maintenance service contract ~~acceptable to the permitting authority~~ shall be maintained at all times. The maintenance service contract must be acceptable to the permitting authority, if applicable.

7080.0150 DISTRIBUTION OF EFFLUENT.

Subp. 2. Gravity distribution.

A. ~~Drop boxes or valve boxes~~ Serial distribution must be used to distribute effluent to individual trenches in a soil treatment system unless the necessary elevation differences between trenches for drop boxes cannot be achieved by natural topography or by varying the excavation depths, in which case a parallel distribution box or a valve box shall be used. If the drop boxes are used, they must meet the following standards in subitems (1) to (6).

(3) The invert of the outlet pipe to the next drop box shall be ~~at least~~ no greater than two inches higher than the crown of the outlet pipe of the trench in which the box is located.

Subp. 3. Pressure distribution.

F. Laterals must be spaced no further than 60 inches apart in seepage beds and mound rock beds and must be spaced no further than a horizontal distance of 30 inches from the outside edge of a drainfield rock layer.

7080.0160 DOSING OF EFFLUENT.

Subpart 1. **Dosing chamber.** A dosing device is not necessary in all situations but, where used, shall comply with the following requirements:

B. There shall be one or more ~~manholes~~ maintenance holes, at least 20 inches least dimension and located directly above the dosing device. The ~~manhole~~ maintenance hole shall extend through the dosing chamber cover to final grade and shall be so constructed as to prevent unauthorized entry.

C. The dosing chamber shall either include an alternating two-pump system or have a minimum ~~500-gallon capacity total capacity of 500 gallons~~ or 100 percent of the average design flow, whichever is greater.

7080.0170 FINAL TREATMENT AND DISPOSAL.

Subpart 1. **In general.** Final treatment and disposal of all sewage tank effluent shall be by discharge into the soil treatment system.

A. The required soil treatment area shall be determined by the average design flow and the soil sizing factor in accordance with Table V in subpart 2.

Subp. 2. Trenches and seepage beds.

A. Location of trenches and seepage beds:

(3) Soil treatment systems shall be located as specified in Table IV.

Table IV. Minimum setback distances (feet).

Feature	Sewage Tank or Holding Tank	Soil Treatment or Absorption Area **** or Privy	Building Sewer or Supply Pipes
Water Supply	*	*	*
Wells buried water suction pipe, and	*	*	*
Buried pipe distributing water under pressure	*	*	*
Buildings**	10	20	
Property Lines*****	10	10	
The Ordinary High Water Level of Public Waters	***	***	

*Setbacks from buried water pipes and water supply wells and buried water pipes are governed by chapters 4715 and 4725, respectively.

**For structures other than buildings these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure. Infringement on building setbacks for areas without local ordinance requires submittal of a written notification by the owner indicating the proposed setback and approval by the commissioner.

***Setbacks from lakes, rivers, and streams are governed by chapters 6105 and 6120.

****Refer to subpart 5, item A, subitem (3).

*****Infringement on property setbacks for areas without local ordinances requires written permission from any potentially affected party, and approval by the commissioner.

B. Distribution medium for trenches and seepage beds.

(3) Gravelless drainfield pipe. Gravelless drainfield pipe including appurtenances shall be:

(a) of commercially fabricated corrugated ~~plastic~~ pipe completely encased by the manufacturer in a geotextile wrap specific to this purpose;

(b) an eight-inch or ten-inch nominal ID pipe that conforms to subunits i and ii and meets the requirements of American Society of Testing Materials (ASTM) F667, which is incorporated by reference. The annual book of ASTM standards F667 "Standard Specification for Large Diameter Corrugated Polyethylene Tubing and Fittings" was issued in 1985 and is available at ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103. The standards can be found at the Minnesota State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and are not subject to frequent change.

ii. The pipes shall contain ~~two~~ a row or rows of cleanly cut three-eighths inch to one-half inch diameter holes located ~~120 degrees apart, with each row 120 degrees to each side of the alignment stripe~~ in such a manner to provide storage of solids. Each row shall contain a hole in every other corrugation valley, staggered such that every corrugation valley contain one hole.

C. Sizing of trenches and seepage beds.

(2) Gravelless drainfield pipe media. Sizing shall be based on subitem (1), except no reduction shall be given as specified in subitem (1). An eight-inch ID pipe shall be equivalent to a two-foot wide rock ~~bed~~ filled trench with six inches of drainfield

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rock below the distribution pipe and a ten-inch ID pipe shall be equivalent to a three-foot wide rock bed filled trench with six inches of drainfield rock below the distribution pipe.

(3) Chambered media. Sizing shall be based on subitem (1) with the depth of slatted sidewalls being equivalent to the corresponding depth of rock below the distribution pipe.

D. Design and construction of trenches and seepage beds:

(4) The bottom and sides of the soil treatment system to the top of the distribution medium shall be excavated in such a manner as to expose the original soil structure in an unsmearred and uncompacted condition. Excavate into the soil treatment area only when the soil moisture content is at or less than the plastic limit at all depths of excavation.

(11) A grass vegetative cover shall be established over the soil treatment system. The soil treatment system shall be protected until a grass vegetative cover is established. The vegetative cover established shall not interfere with the hydraulic performance of the system and shall provide adequate frost and erosion protection.

Subp. 3. Dual field systems.

C. A part of the soil treatment area shall be used no more than one year unless ~~inspection~~ of the effluent level indicates that a longer duration can be used.

Subp. 4. Rapidly permeable soils.

A. Soil treatment systems placed in soils with ~~percolation rates between one-tenth and five minutes per inch~~, a soil sizing factor of 0.83 gallons per day per square foot must provide at least one of the following treatment techniques:

~~A-~~ (1) distribute the sewage tank effluent by pressure flow over the treatment area as specified in part 7080.0150, subpart 3;

~~B-~~ (2) divide the total soil treatment area into at least four parts with no part larger than 25 percent of the area required by subpart 2, item C, and the parts constructed for serial application.

B. Soil treatment systems placed in soils with percolation rates of less than one-tenth minute per inch must provide at least one of the following treatment techniques:

(1) a mound system;

(2) a trench system with at least one foot of clean sand placed between the distribution medium and the coarse soil along the excavation bottom and sidewalls if provisions of item A, subitem (1) or (2), are followed; or

(3) in accordance with part 7080.0910, subpart 3, item B.

Subp. 5. Mounds.

A. Location of mounds.

(3) Setbacks shall be in accordance with Table IV, subpart 2, item A, subitem (3). ~~For mounds on slopes less than or equal to one percent, the absorption area is the required absorption width by rock bed length plus five feet on each end of the rock bed. For mounds on slopes greater than one percent, the absorption area is the required absorption width plus five feet on the upslope side of the rock bed by rock bed length plus five feet on each end of the rock bed.~~

B. Design of mounds. Drainfield rock must be used as the distribution medium in mounds.

(3) A minimum of ~~six~~ 12 inches of clean sand must be placed where the rock bed is to be located.

(4) The required absorption width is calculated by multiplying the rock bed width by the absorption ratio. The absorption ratio shall be determined according to Table VI using the percolation rate of the upper 12 inches of soil in the proposed absorption area. For mounds with side-by-side rock beds, the required absorption width shall be increased by four feet.

Table VI

Percolation rate of original soil under sand layer, minutes per inch	Absorption ratio
Faster than 5	1.00
6 to 15	1.50
16 to 30	2.00
31 to 45	2.40
46 to 60	2.67
61 to 120	5.00
120 plus	*See part 7080.0910, subpart 3, item A, subitem (2)

(5) The required absorption width for mounds constructed on slopes from zero to one percent shall be centered under the rock bed width. The required absorption width for mounds constructed on slopes greater than one percent shall be measured downslope from the upslope edge of the rock bed width and measured in the direction of the original land slope and perpendicular to the original contours.

C. Surface preparation for mounds.

D. Mound construction.

(5) A grass vegetative cover must be established over the entire area of the mound. The soil treatment system mound shall be protected until a grass vegetative cover is established. The vegetative cover established shall not interfere with the hydraulic performance of the system and shall provide adequate frost and erosion protection.

Subp. 6. At-grade systems.

A. Location of at-grade systems.

B. Design of at-grade systems.

C. Construction of at-grade systems.

(3) The upslope edge of an at-grade system shall be installed along the natural contour ~~with no more than a 12-inch difference in elevation from the upslope corners of the rock bed.~~

(8) A grass vegetative cover must be established over the entire area of the at-grade system. The soil treatment at-grade system shall be protected until a vegetative cover is established. The vegetative cover established shall not interfere with the hydraulic performance of the system and shall provide adequate frost and erosion protection.

7080.0175 MAINTENANCE.

B. The owner of an individual sewage treatment system or the owner's agent shall regularly, but in no case less frequently than every three years, ~~inspect the septic tank, drop boxes, distribution boxes, soil treatment system, and other related appurtenances for signs of corrosion, leakage, accumulation of liquids and solids, and any other related items that may indicate the need for maintenance.~~

C. ~~At each inspection, measure or remove~~ the accumulations of scum, which includes grease and other floating materials at the top of the ~~each~~ septic tank and compartment along with the sludge, which includes the solids denser than water, ~~must be measured or the contents removed.~~ The owner of a septic tank or tanks or the owner's agent must arrange for the removal and proper disposal of septage from ~~the tank whenever all tanks or compartments in which~~ the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the

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outlet baffle. ~~Maintenance shall take place~~ All accumulations of sludge, scum, and liquids must be removed through the manhole. ~~If the sewage tank, other than a holding, has a manhole, all accumulations of sludge, scum, and liquids must be removed from the tank maintenance hole. The owner or the owner's agent shall install maintenance holes in sewage tanks in accordance with part 7080.0130, subpart 2, to allow for maintenance to take place through the maintenance hole.~~

~~D. C.~~ Individual sewage additives must not be used as a means to reduce the frequency of proper maintenance and removal of septage from the septic tank as specified in item B.

~~E.~~ Whenever inspections of pump stations, distribution devices, valve boxes, or drop boxes indicate the accumulation of solids, the accumulation shall be considered septage.

~~F. D.~~ Individual sewage treatment system additives which contain hazardous materials substances must not be used in individual sewage treatment systems.

~~E.~~ Any accumulation of solids in pump stations, distribution devices, valve boxes, or drop boxes shall be considered septage.

~~G. E.~~ Septage shall be disposed in accordance with state, federal, or local requirements.

~~H. G.~~ If septage is disposed into a municipal sewage treatment facility, a written agreement must be provided between the accepting facility and the septage disposal firm.

~~I. H.~~ Activities on the soil treatment area or the ~~replacement~~ additional soil treatment area which may impair the treatment abilities or hydraulic performance of the soil treatment system are prohibited.

I. Any maintenance activity used to increase the acceptance of effluent to a soil treatment system must:

(1) not be used on failing systems;

(2) not decrease the separation to the saturated soil or bedrock;

(3) not cause preferential flow from the system bottom to the saturated soil or bedrock; and

(4) be conducted by a qualified employee or under an installer license.

7080.0176 SYSTEM ABANDONMENT.

A. Tank abandonment procedures for sewage tanks, cesspools, leaching pits, dry wells, seepage pits, privies, and distribution devices are as follows: all solids and liquids shall be removed and disposed of in accordance with part 7080.0175 and abandoned chambers shall be removed or be filled with ~~granular~~ soil material.

C. If soil treatment systems are removed, contaminated materials shall be properly handled to prevent human contact ~~prior to disposal~~ and shall be disposed of in a manner assuring that public health and the environment are protected.

7080.0300 GENERAL.

Subpart 1. **ISTS professionals.** A person who conducts site evaluations or designs, installs, alters, repairs, maintains, pumps, or inspects all or part of an individual sewage treatment system, shall comply with applicable requirements.

ISTS professionals shall comply with parts 7080.0020, 7080.0060 to 7080.0176, and 7080.0910. In areas with local ordinances, ISTS professionals shall also comply with parts 7080.0305 to 7080.0315. In areas without local ordinances, ISTS professionals shall also comply with part 7080.0350.

Subp. 2. **Additional soil treatment area.** Lots created after the effective date of this chapter shall have a minimum of one additional soil treatment area which can support a standard soil treatment system. If a suitable additional soil treatment area is available on lots created before the effective date of this chapter, it must be identified in the site evaluation.

Subp. 5. **Other jurisdictions.** Outside of the jurisdictions covered by subpart 3, this chapter provides technical and administrative standards for the adoption of local ordinances for the location, design, construction, use, and maintenance of individual sewage treatment systems.

If ~~other~~ jurisdictions issue construction permits for individual sewage treatment systems, compliance inspections must be conducted ~~to approve systems according to in accordance with~~ this chapter. At a minimum, the ~~system must meet~~ the requirements of part 7080.0350 must be met. The other ~~area~~ jurisdiction must maintain records of the location and design of the individual sewage treatment systems for the life of the systems.

Subp. 6. Disclosure. Any evaluation, investigation, inspection, recommendation, or other such process used to prepare a disclosure and conducted by a party who is not the property owner shall constitute a compliance inspection and must be conducted in accordance with part 7080.0315 or 7080.0350.

7080.0305 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

Subp. 2. **Adoption of technical standards and criteria.** If a local unit of government adopts an ordinance to regulate individual

sewage treatment systems, the ordinance shall incorporate provisions of parts 7080.0020 and 7080.0060 to 7080.0176. Incorporation of part 7080.0910 is discretionary. More restrictive or alternative standards can be adopted in the ordinance if the procedures under subparts ~~3 to 9~~ 6 to 8 are fulfilled.

Subp. 3. **Variations.** After December 31, 1995, a local unit of government shall not issue a variance for replacement, or for the addition of a bedroom or bathroom on property served by a system unless the individual sewage treatment system is in compliance with local ordinance, as evidenced by a certificate of compliance. A variance shall not be issued for new construction unless a permit for new construction has received preliminary approval and includes a construction schedule. Only the governing state agency may issue variances to chapters 4725, 6105, and 6120. Variances to decrease the three feet of vertical separation required beneath the distribution medium and the saturated soil or bedrock must be approved by the commissioner in accordance with part 7080.0030, subpart 3. The variance request shall be accompanied by items described in subpart 6 as appropriate to the request- and must contain:

- A. the specific language in the rule or rules from which the variance is requested;
- B. the reasons why the rule cannot be met;
- C. the alternative measures that will be taken to ensure a comparable degree of protection to public health or the environment if the variance is granted;
- D. the length of time for which the variance is requested;
- E. a statement that the party applying for the variance will comply with the terms of the variance, if granted; and
- E. other relevant information the commissioner determines necessary to properly evaluate the request for the variance.

Subp. 4. **Requirements for local ordinances.** Local ordinances shall include:

- A. a provision that requires failing systems to be upgraded, replaced, or repaired in compliance with part 7080.0060, as applicable, within a reasonable time period;
- B. a provision to adopt the requirements under subpart 2; and
- C. a provision that requires all design, installation, alteration, repair, maintenance, pumping, and inspection activities for an individual sewage treatment system to be completed under a license or by a qualified employee, or as exempted under part 7080.0700, subpart 1. A local unit of government may not require additional local licenses for ISTS professionals; and
- D. a provision that requires all lots created after the effective date of this chapter shall have a minimum of one additional soil treatment area which can support a standard soil treatment system.

7080.0310 PERMIT PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

Subpart 1. **General requirements for permit program.**

- A. A local unit of government with a local ordinance to regulate individual sewage treatment systems must have a corresponding permit program that specifically addresses the following:
 - (1) permit application requirements;
 - (2) permit review and approval requirements and procedures;
 - (3) recordkeeping; and
 - (4) reporting.

These program elements must contain the minimum requirements under subparts 2 to 5. Permits are required for all new construction and replacement.

Subp. 2. **ISTS permit application requirements.** ISTS permit applications must include exhibits described under subpart 4 ~~indicating, items A and B, and include~~ general requirements to adequately identify the property and owners, a site evaluation report, a design summary and drawings, applicable construction information, and any other information requested by the permitting authority pertinent to this process. Exhibits for site evaluation, design, and applicable construction information must be complete and include a certified statement from the person who conducted the work. In the event of a change in the application information

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which served as the basis for issuing a permit, the permittee must file an amended application for reapproval prior to initiating construction, detailing the changed conditions for approval or denial by the permitting authority.

Subp. 3. **Permit approval requirements and procedures.** The permit program must include the following requirements:

A. A qualified employee or licensee authorized by the local unit of government must review the permit application and exhibits to determine whether the proposed system will meet applicable requirements. The local unit of government will either grant preliminary approval or denial. Construction shall not be initiated until preliminary approval is granted. Final approval shall be evidenced by issuance of a notice certificate of compliance.

Subp. 4. **Recordkeeping requirements.** Local units of government must maintain copies of certificates of compliance, notices of noncompliance, permit applications, issued permits, enforcement proceedings, variance requests, and other actions taken. Records must be available for review by the commissioner. Permit files must also include:

C. ~~construction records including plastic limit test results, sand and rock cleanliness comments or test results, dates of construction, weather conditions, plan changes, any problems encountered and their resolution, and as-builts.~~

Subp. 5. **Reporting requirements.** Local units of government must submit annual reports to the commissioner to demonstrate enforcement of the local ordinance. At a minimum, the reports must include a copy of the standard permit and inspection forms used if they are different than agency forms, the name and address of the program administrator, all qualified employees and contracted licensees authorized by the local unit of government, the number of permits issued, the number and methods of inspections conducted, the number and type of variances issued, ~~and~~ the number and type of alternative ~~or~~ and experimental systems, and the monitoring results for experimental systems as specified in part 7080.0910, subpart 3a. The reports shall contain information from the calendar year and shall be received by the commissioner no later than March 1 of the following year.

7080.0315 INSPECTION PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

Subpart 1. **Inspection requirements.** The inspection program conducted by the local unit of government to fulfill the enforcement requirement under part 7080.0305, subpart 2, must specify the frequency and times of inspections, the requirements of an inspection, an inspection protocol if an inspection cannot be completed within a timely manner, and, at a minimum, the requirements for a compliance inspection under subpart 2.

Subp. 2. **Compliance inspection.** A compliance inspection shall be conducted:

A. ~~to ensure compliance with local ordinance applicable requirements.~~ Persons conducting compliance inspections for disclosures shall also meet the requirements of part 7080.0300, subpart 6;

C. for all new construction or replacement; ~~and~~

D. by a qualified employee or under a license authorized by the local unit of government who is independent of the owner and the installer;

E. to reasonably ensure an individual sewage treatment system is in compliance as specified under part 7080.0060; and

F. for disclosures as described under part 7080.0300, subpart 6.

Subp. 3. **Certificate of compliance; notice of noncompliance.** ~~A certificate of compliance or notice of noncompliance must be submitted to the local unit of government and the owner within 30 days after any compliance inspection.~~ A certificate of compliance or notice of noncompliance must include a certified statement from the licensee or qualified employee who conducted the compliance inspection, identify the type of system inspected, and ~~a copy must be submitted to the local unit of government and owner within 30 days after the inspection indicate whether the individual sewage treatment system is in compliance with part 7080.0060.~~ At a minimum, a notice of noncompliance must be issued for systems not in compliance as described under part 7080.0060. If a compliance inspection indicates that the system presents an imminent threat to public health or safety as defined in part 7080.0020, subpart 19a, the notice must also contain a statement to this effect and state that the owner must upgrade, replace, or discontinue use of the system within the time period established by the local unit of government. This time period cannot exceed ten months after the owner receives a notice of noncompliance.

7080.0350 GENERAL REQUIREMENTS.

Subpart 1. **Requirements for work done on individual sewage treatment systems.** In areas that do not have a local ordinance, any person who conducts site evaluations or designs, installs, alters, repairs, maintains, pumps, or inspects all or part of an individual sewage treatment system must complete work according to this chapter. All ISTS work activities must be completed under a license or by a qualified employee, or as exempted under part 7080.0700, subpart 1. Local units of government may not require additional local licenses for ISTS professionals.

Subp. 2. **Compliance inspections.**

~~A.~~ Compliance inspections are required for all new construction or replacement and must be completed according to ~~items A and B:~~ subitems (1) and (2).

~~A:~~ (1) Compliance inspections must be conducted by a qualified employee or under a license independent of the owner and the installer to ~~ensure compliance with the requirements of this chapter~~ reasonably ensure an individual sewage treatment system is in compliance as specified under part 7080.0060.

~~B:~~ (2) A certificate of compliance or notice of noncompliance must be submitted to the owner within 30 days of any compliance inspection. All notices of noncompliance must also be submitted to the commissioner. A certificate of compliance or notice of noncompliance must include a certified statement from the licensee or qualified employee who conducted the compliance inspection, identify the type of system inspected, and a ~~copy must be submitted to the commissioner and owner within 30 days after the inspection~~ must indicate whether the individual sewage treatment system is in compliance with part 7080.0060. At a minimum, a notice of noncompliance must be issued for systems not in compliance under part 7080.0060. If a compliance inspection indicates that the system presents an imminent threat to public health or safety as defined in part 7080.0020, subpart 19a, the notice must also contain a statement to this effect and state that the owner must upgrade, replace, or discontinue use of the system within the time period established by the commissioner. This time period may not exceed ten months after the owner receives a notice of noncompliance. The owner must submit to the commissioner a copy of the certificate of compliance after the system upgrade or replacement has occurred or a written notification indicating discontinued use of the individual sewage treatment system.

B. Compliance inspections meeting the requirements under item A must be conducted for disclosures as described under part 7080.0300, subpart 6.

Subp. 3. Variances. Variances to chapters 4725, 6105, 6120, and 7080 may only be approved by the governing state agency. Variances to chapter 7080 must be approved by the commissioner in accordance with part 7080.0030, subpart 3. The variance request shall be accompanied by items described in part 7080.0305, subpart 6, as appropriate to the request and must contain:

A. the specific language in the rule or rules from which the variance is requested;

B. the reasons why the rule cannot be met;

C. the alternative measures that will be taken to ensure a comparable degree of protection to public health or the environment if the variance is granted;

D. the length of time for which the variance is requested;

E. a statement that the party applying for the variance will comply with the terms of the variance, if granted; and

F. other relevant information the commissioner determines necessary to properly evaluate the request for the variance.

Subp. 4. Additional soil treatment area. Lots created after the effective date of this chapter shall have a minimum of one additional soil treatment area which can support a standard soil treatment system.

7080.0700 LICENSES.

Subpart 1. State license required. A state license applicable to the type of work being performed is required for any business that conducts work to site evaluate, design, install, maintain, pump, or inspect all or part of an ISTS. A license is not required for:

B. an individual who is constructing a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual after consulting with a designer I or II. The system must be inspected before being covered and a ~~compliance report~~ certificate of compliance or notice of noncompliance must be provided to the local unit of government after the inspection;

C. an individual who performs labor or services under a licensee; ~~or~~

D. a farmer who pumps ~~and disposes of~~ sewage waste from individual sewage treatment systems from dwellings or other establishments that are owned or leased by the farmer and disposes of those wastes on land that is owned or leased by the farmer; ~~or~~

E. a property owner who personally gathers information, evaluates, or investigates the ISTS on or serving the property to provide a disclosure as defined under part 7080.0020, subpart 12b.

Subp. 2. State license categories. The commissioner may issue the following licenses:

D. pumper license for measuring scum and sludge depths for the accumulation of solids and removing these deposits; ~~main-~~

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taining portable toilets; storing and hauling septage; disposing of septage; identifying problems related to sewage tanks, dosing chambers, baffles, manhole maintenance hole covers and extensions, and pumps, and making repairs; and; inspecting and evaluating water tightness of sewage tanks, dosing chambers, distribution devices, valve boxes, or drop boxes; and cleaning supply pipes and distribution pipes; and

Subp. 4. **Restricted licenses.** The commissioner may add restrictions to a license for the following reasons:

C. as a method to limit the amount of responsibility for specialty area endorsements under scope of the work to be conducted under the license to coincide with restrictions placed on the designated registered professional in accordance with part 7080.0850 7080.0860, subpart 5 6.

7080.0705 APPLICATION FOR LICENSE; FEES; RENEWAL.

Subpart 1. **Eligibility.** A business is eligible to apply for a license when it meets the following requirements:

A. the business has one or more designated registered professionals with specialty area endorsement matching the requested license to meet the responsibilities under part 7080.0715, subpart 2;

C. the business has acquired a corporate surety bond as required under part 7080.0710.

Subp. 3. **Fees.** The annual license fee is \$100 for each license specialty area category under part 7080.0700, subpart 2.

7080.0710 BONDING AND INSURANCE FOR LICENSES.

Subp. 5. **Bond components.** The bond must be written by a corporate surety licensed to do business in Minnesota. The corporate surety shall be responsible for providing 30 days' written notice to the commissioner of cancellation of a licensee's bond. If a bond is canceled, a licensee must not perform work requiring the bond as a condition of ISTS license ~~registration~~ until the licensee obtains another bond meeting the requirements in this part.

7080.0715 LICENSE CONDITIONS.

Subpart 1. **General license conditions.** All ISTS licenses shall include the following conditions. The licensee must:

D. notify the commissioner within 30 days after any change in the registered professional designations; and

E. maintain the bond and insurance required under part 7080.0710; and,

F. ~~provide an apprentice with a pumping endorsement on the worksite in the absence of the designated registered professional.~~

Subp. 2. **Conditions for designated registered professional.** The designated registered professional is subject to the obligations of a license and must:

D. be on the worksite:

(2) to make determinations about material quality, work methods, and problem detection when activities are being performed that are critical to the evaluation of the site, design, installation, pumping, or inspection of the system and any other time that is appropriate to ensure compliance with applicable requirements; and

E. complete a certified statement for site evaluations, designs, as-builts, pumping records, inspection reports, and other formal work products; and

E. make repairs and evaluate watertightness of sewage tanks, dosing chambers, distribution devices, valve boxes, or drop boxes under a pumper license.

7080.0720 QUALIFIED EMPLOYEE.

A qualified employee must fulfill the conditions under part 7080.0715, subpart 2, items A, B, and D to E, that are applicable to the work being performed.

7080.0810 EXAMINATION.

Subpart 1. **Examinations.** An examination for basic information regarding individual sewage treatment systems and each of the specialty areas under part 7080.0800, subpart 1, will be offered by the commissioner at least annually. The examinations will be based on the skill, knowledge, experience, and education that a person must have to perform the duties and responsibilities under part 7080.0850, subpart 5, for each specialty area. Both examinations are required for registration and apprentice designation.

Subp. 2. **Expiration of test score validity.** The validity of the examination score for a specialty area expires if the continuing education requirements under part 7080.0820, subpart 1, are not fulfilled. An individual with an expired ~~test~~ examination score must ~~retest~~ retake the examination.

Subp. 3. **Retesting Failure on examination.** A person who fails an examination is ineligible to retake the same examination for six months unless the person has completed 12 hours of ISTS training in the subject matter covered by the failed examination in addition to those required under part 7080.0805, subpart 1. Official documentation of this training must be provided at the time the

test examination is retaken. Training hours used to fulfill this ~~retesting~~ reexamination requirement may not be used to fulfill continuing education requirements. Failure to pass the examination in one specialty area does not prevent the person from taking an examination for a different specialty area endorsement.

7080.0815 EXPERIENCE.

Subpart 1. **Options to gain experience.** The experience needed to qualify for one of the specialty areas listed under part 7080.0800, subpart 1, can be acquired by either one of the following methods:

A. experience completed at the direction of and under the personal supervision of the designated registered professional who has a specialty area endorsement and works under a license that is the same as the specialty area sought by the individual acquiring the experience; or

B. experience completed under a signed agreement for direction and personal supervision with a qualified employee for direction and personal supervision when the individual seeking the experience has who has a specialty area registration endorsement that is the same as the specialty area sought by the individual acquiring the experience, a designer I, or an inspector and under a restricted license because a lack of held by the individual seeking the experience that corresponds to the specialty area endorsement sought.

The agreement must be approved by the commissioner before an application for a restricted license or for a qualified employee apprentice will be accepted by the commissioner. The commissioner may monitor progress under the agreement. If the objectives for acquiring experience are not being fulfilled, the commissioner may require that the agreement be discontinued or modified to correct problems. A final evaluation shall be made to determine if the agreement successfully fulfilled the experience requirement.

C. Experience completed under a plan where the individual seeking the experience has a restricted license because of the lack of experience corresponding to the specialty area endorsement sought approved by the commissioner. A restricted license must be issued if a designated registered professional will be working under an approved experience plan.

The experience plan must be approved by the commissioner before an application for a restricted license or for a qualified employee apprentice will be accepted by the commissioner. The commissioner may monitor progress under the experience plan. If the objectives for acquiring experience are not being fulfilled, the commissioner may require that the plan be discontinued or modified to correct problems. A final evaluation shall be made to determine if the plan successfully fulfilled the experience requirement.

Subp. 8. **Reduction of required experience.** The experience requirements under subparts 3 to 7 may be reduced from 15 to ten work products if 12 hours of continuing education accredited or authorized training are taken in addition to the training required under parts 7080.0805, subpart 1; 7080.0810, subpart 2; and 7080.0820.

7080.0820 CONTINUING EDUCATION.

Subpart 1. **Renewal requirements.** Individuals registered as professionals and apprentices must complete the applicable hours of continuing education under items item A and or B that meet the criteria under subpart 2 for each three-year period. The continued education requirement is not increased for multiple specialty area endorsements. Continuing education hours earned in excess of those required under this subpart cannot be carried over to meet the requirements for future three-year periods. The three-year period begins after an individual has received a passing score on the examination under part 7080.0810 for one specialty area endorsement.

7080.0830 ACCREDITATION OF TRAINING PROGRAMS AND AUTHORIZATION OF TRAINING FOR CONTINUING EDUCATION CREDITS.

Subp. 3. **Authorization of training for continuing education credits.** Nonaccredited training may qualify for continuing education credits only if authorized by the commissioner. The person requesting the credits must provide the information requirements of subpart 1, items A, B, and D, for any nonaccredited training attended, and document in written format how the course will meet the requirements under parts ~~7080.0525~~ and 7080.0805, subpart 1, and 7080.0820, including a proof of successful completion of the training. The commissioner may prorate the credit hours granted based on the amount of the training which pertains to the ISTS specialty area for which it is requested.

7080.0850 ISTS PROFESSIONAL REGISTRATION.

Subp. 3. **Registration required.** Except as provided under part 7080.0855, subpart 2, and beginning March 31, 1996, the following individuals must be registered under this part:

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Subp. 5. **Specific responsibilities.** The following requirements provide the minimum basis of professional responsibility:

E. Individuals who have pumper endorsements must have the knowledge and ability to measure scum and sludge depths for the accumulation of solids and, as needed, completely remove, store, and haul septage; properly dispose of septage; identify problems related to sewage tanks, baffles, ~~manhole~~ maintenance hole covers, and extensions, and make repairs as necessary; and ~~inspect~~, evaluate watertightness of sewage tanks, dosing chambers, distribution devices, valve boxes or drop boxes, and properly dispose of septage.

7080.0855 APPRENTICE.

Subp. 2. **Apprentice required.** Individuals and qualified employees who will acquire their experience according to the methods under part 7080.0815, subpart 1, item B or C:

A. ~~must be designated by the commissioner as an apprentice apprentices; and~~

B. are eligible to be designated registered professionals under a license if the individuals have a specialty area endorsement that corresponds to the license, fulfill the contractual requirements for acquiring experience, and operate under a restricted license that corresponds to the specialty area endorsement sought.

7080.0860 ADMINISTRATION OF PROFESSIONAL REGISTER AND APPRENTICE PROGRAM.

Subpart 1. **Application; issuance.** An individual meeting the qualifications under part 7080.0850, subpart 1, or 7080.0855, subpart 1, is eligible to apply for registration or apprentice designation on a form provided by the commissioner. The commissioner requires 60 days for review of applications. To be registered by the statutory effective date of March 31, 1996, an application must be submitted to the commissioner by February 1, 1996. A complete application consists of documentation of training and experience or the experience agreement or plan meeting the requirements under part 7080.0815, subpart ~~4~~ 1.

Subp. 6. **Restrictions; conditions.** The commissioner may add performance restrictions and training conditions to a professional registration ~~of or~~ apprentice designation at any time to address unusual work situations; ~~or~~ experience requirements, ~~or to~~ take enforcement action under part 7080.0900, or to limit the scope of responsibilities under subpart 5 for an individual.

7080.0910 ALTERNATIVE AND EXPERIMENTAL SYSTEMS.

Subpart 1. **General.** The intent of this part is to provide standards for the location, design, installation, use, and maintenance of alternative and experimental sewage treatment systems. Alternative systems must meet the requirements of subpart 3 and experimental systems must meet the requirements of subpart 3a. They may be employed provided:

D. a three-foot minimum separation is provided between the bottom of the distribution medium and the saturated soil or bedrock. Proposed experimental systems which do not provide this minimum separation must follow the variance procedure in part 7080.0305, subpart 3;

Subp. 3. **Alternative systems.** Use of alternative systems in items A to K is allowed only in areas where a standard system cannot be installed or is not the most suitable treatment.

A. Slowly permeable soils. The methods in subitems (1) and (2) may be used for slowly permeable soils.

(1) Soil treatment systems placed in soils with percolation rates between 61 and 120 minutes per inch shall comply with units (a); ~~(e); and to~~ (d) and part 7080.0170.

(2) Soils with percolation rates slower than 120 minutes per inch are subject to the requirements under units (a) and (b).

(b) Mounds may be allowed on original soils with percolation rates slower than 120 minutes per inch if the following special design requirements, in addition to those listed in part 7080.0170, subpart 5, are used:

i. the width of the drainfield rock bed is determined by using a linear loading rate of four gallons per day per square lineal foot or less as described in part 7080.0170, subpart 6, item B;

C. Artificial drainage.

(1) Where natural drainage will not provide three feet of separation between the bottom of the distribution medium and the highest known level of saturated soil, artificial drainage may be used to intercept or lower the seasonal high water table, except within shorelands of public waters. There shall be at least ten feet of undisturbed soil between the sidewall of the soil treatment unit and the artificial drainage. Designs to lower the seasonal high water table must be supported by engineering calculations and monitoring after installation. Water table measuring piezometers shall be strategically placed, capped, and extend at least three feet lower than the bottom of the soil distribution medium. Monitoring shall occur by measuring water table depths prior to installation and over time, including during wet periods. Monitoring records must be maintained. If the artificial drain includes a dedicated surface discharge, periodic sampling as approved by the permitting authority must occur.

H. ~~All materials removed, including ashes, compost, and all solids and liquids shall be disposed of according to state, federal, or local requirements.~~

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~~F.~~ Existing dwellings on small lots. If a system meeting the size requirements of part 7080.0170, subpart 2, item C, cannot be constructed to serve an existing dwelling or other establishment, a downsized soil treatment system may be constructed provided that adequate capacity to hold excess sewage is constructed. Adequate holding capacity for gravity systems shall consist of a holding tank. Adequate holding capacity for pressure systems shall be provided by timed dosing of the effluent. The timing of the dosing must not exceed the average design flow. All applicable portions of item J and parts 7080.0110 to 7080.0170 shall be employed.

~~F. I.~~ Collector systems.

(2) Design.

(e) Cleanouts, brought flush with or above finished grade, shall be provided wherever a common sewer joins an individual building sewer or piping from an individual sewer tank, or every 100 feet, whichever is less, unless manhole maintenance hole access is provided.

(i) Pumps and dosing chambers shall be sized to handle 50 percent of the average design flow in a one-hour period. Common pump tanks shall have a pumpout capacity of ten percent of average design flow ~~plus a reserve capacity of 25 percent of the average design flow or~~ and two alternating pumps.

(j) ~~An~~ A separate alarm system for each pump shall be provided for all pumping stations to warn of pump failure, overflow, or other malfunction.

~~K. I.~~ Holding tanks.

(1) Holding tanks may be allowed only as replacements for existing ~~nonconforming failing~~ systems, systems which pose an imminent threat to public health or safety, or on existing lots as of the date of the enactment of this chapter and only where it can conclusively be shown that a standard, or alternative system as described in this subpart, cannot be feasibly installed.

(3) A cleanout pipe of at least six inches diameter shall extend to the ground surface and be provided with seals to prevent odor and to exclude insects and vermin. A manhole maintenance hole of at least 20 inches least dimension shall extend through the cover to a point within 12 inches, but no closer than six inches below finished grade. The manhole maintenance hole cover shall be backfilled with at least six inches of earth.

Subp. 3a. **Experimental systems.** Experimental systems may be used in areas where a standard system cannot be installed or if a system is considered new technology with limited data on reliability.

In addition to the requirements under subparts 1 and 2, experimental systems must also:

B. be designed with no single portion of ~~the soil treatment~~ a trench system taking over 25 percent of the average design flow in part 7080.0125;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

7080.0920 MINNESOTA POLLUTION CONTROL AGENCY SURETY BOND FORM.

Bond No. _____

**MINNESOTA POLLUTION CONTROL AGENCY
INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS) PROFESSIONAL
SURETY BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

THAT _____ of
(Name of Licensee)

doing business as _____ at

_____, Minnesota, as Principal, and
(Address)

_____, a corporation authorized
(Name of Surety)

to do surety business in the State of Minnesota, as Surety, are hereby held and firmly bound to the Commissioner of the Minnesota Pollution Control Agency-State of Minnesota and any persons aggrieved by reason of the Principal's failure to faithfully perform the duties, and in all things comply with all laws, ordinances, and rules, pertaining to the Principal's license or any permit applied for and all contracts entered into, in the sum of TEN THOUSAND DOLLARS (\$10,000.00). For the payment of this sum, Principal and Surety bind themselves, their heirs, representatives, successors and assigns, jointly and firmly by these presents.

THE CONDITION of the above obligation is such, that WHEREAS the said Principal is making application with the Minnesota Pollution Control Agency to be licensed as, or has been licensed as, an ISTS Professional; _____(specific licenses).

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

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

PROVIDED, it is the intention of the parties that this bond be continuous. This bond may be canceled at any time upon giving the said Principal and the Minnesota Pollution Control Agency 30 days written notice, said notice to be served by registered mail, whereupon, except as to any liabilities or indebtedness incurred prior to the termination of this said 30 days notice, the liability of the Surety under this bond shall cease.

By their signatures below, the parties certify that the wording of this surety bond is identical to the wording specified in *Minnesota Rules*, part 7080.0920, as the rules were constituted on the date the parties executed the bond.

Signed this _____ day of _____, 19__.

Signed, sealed and delivered in the presence of:

(Witness as to Principal)

(Licensee name)

(Signature)

(Witness as to Surety)

(Name of Surety Company)

By _____
(Attorney-in-Fact)

INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

On the _____ day of _____, 19/20 _____,
before me, a Notary Public within and for said county,
personally appeared, _____ to me known to
be the person(s) described in and who executed the foregoing
instrument, as Principal(s), and acknowledged to me that _____
s/he executed the same as her/his free act and deed.

Notary Public, _____
County, _____
My Commission Expires _____

(Notarial Seal)

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

On the _____ day of _____, 19/20 _____,
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
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.

Notary Public, _____
County, _____
My Commission Expires _____

(Notarial Seal)

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

Adopted Rules

ACKNOWLEDGMENT OF CORPORATE SURETY

STATE OF _____)
COUNTY OF _____)

On the _____ day of _____, 19/20 _____ 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 attorney in fact of _____ a corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; and that said instrument as signed and sealed in behalf of said corporation by the aforesaid officer, by authority of its board of directors; and the aforesaid officer acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, _____
County, _____
My Commission Expires _____

(Notarial Seal)

*****SURETY COMPANY POWER OF ATTORNEY MUST BE ATTACHED*****

REPEALER. *Minnesota Rules*, parts 7080.0020, subparts 10, 11e, 20, 22a, 24a, 28b, 29, 34, 41, and 50; 7080.0040; 7080.0050; 7080.0070; 7080.0080; 7080.0090; 7080.0100; 7080.0110, subparts 1, 2, 3, and 5; 7080.0120, subpart 2; 7080.0130, subpart 5; 7080.0180; 7080.0200; and 7080.0210, are repealed.

Department of Administration

Building Codes and Standards Division

Correction to Proposed Permanent Rules Relating to Prefabricated Buildings and Industrialized/Modular Buildings

The Dual Notice of rules proposed and published at *State Register*, Volume 20, Number 26, pages 1514-1516, December 26, 1995 (20 SR 1514) is amended as follows:

The administrative law judge assigned to conduct the hearing under **Notice of Hearing** on page 1515 is Howard L. Kaibel Jr.

Dated: 28 December 1995

Thomas R. Joachim
State Building Official

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on January 31, 1996, at 9:00 a.m. o'clock, at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of Bolger Publications, Inc., a Minnesota corporation and Como Partnership, L.L.P., a Minnesota partnership (collectively, the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the acquisition, renovation, construction, improvement and equipping of manufacturing facilities in the cities of Minneapolis, Minnesota and St. Paul, Minnesota located at 2575 Como Avenue S.E., Minneapolis, Minnesota and St. Paul, Minnesota and 3301 Como Avenue S.E., Minneapolis, Minnesota and St. Paul, Minnesota (the "Project"). The initial owner of the Project will be the Applicant and the Project is expected to be owned, operated and managed by the Applicant. It is contemplated that the Project will be used primarily for the manufacture of printing products and related activities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$6,500,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the

Official Notices

Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 8 January 1996

by Order of the Members of the
Minnesota Agricultural and
Economic Development Board
Paul Moe
Executive Director
Minnesota Agricultural and Economic
Development Board

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective January 16, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Fillmore: MN DOT Preston Truck Station Addition-Preston.

Hennepin: Ramsey School Asbestos Abatement-Minneapolis; Maple Grove Community Center-Maple Grove; Deferred Maintenance, Mpls. Public Schools-Minneapolis.

Itasca: Cohasset Post Office Remodel-Cohasset.

Ramsey: Roseville Area High School 3 Wing Asbestos Abatement-Roseville.

Rice: Asbestos Removal in Mott Hall at the MN Academy For The Deaf-Faribault; Asbestos Removal in Noyes Hall at the MN Academy For The Deaf-Faribault.

St Louis: Gasification Plant First Floor Infill-Duluth.

Washington: City of St Paul Park City Hall and Fire Station-St Paul Park.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

Minnesota State Colleges and Universities

Board of Trustees Candidate Advisory Council

Trustee Candidates Sought

The Board of Trustees Candidate Advisory Council is currently seeking candidates for the Board of Trustees of the Minnesota State Colleges and Universities to fill positions on the Board in congressional districts 1, 5 and two at-large seats.

The Council is responsible for recruiting and recommending candidates to the governor for appointment to the Board of Trustees, the governing board for the newly merged technical colleges, community colleges and state universities. Members of the Board of Trustees receive per diem and expenses.

For further information and/or application forms, please contact Barb Patterson at (612) 296-9002, 85 State Office Building, St. Paul, MN 55155. Applications must be received by 5:00 p.m. February 28, 1996.

Department of Natural Resources

Division of Enforcement

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of Rules Relating to Off-Highway Motorcycles (OHM), Off-Road Vehicles (ORV) and All-Terrain Vehicles (ATV)

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose the adoption of amendments to rules relating to off-highway motorcycles, off-road vehicles, and all-terrain vehicles.

Subject of Rules and Statutory Authority. Specifically, the proposed rules will cover modifications to the rules governing all terrain vehicles, *Minnesota Rules* parts 6102.0010-.0800. The proposed rules will include off-highway motorcycles and off-road vehicles in *Minnesota Rules*, parts 6102-.0010-.0800. The amendments will also relate to vehicle registration, display, description and replacement of numbers and decals; reporting of abandoned, stolen or destroyed vehicles; dealer's and manufacturer's registration; special permits; required equipment; towing by a vehicle; permanent identification numbers; muffler requirements; use of vehicles on public lands, water, trails and roadways; regulations by governmental subdivision; official use and variance; uniform signs; education and training programs for ATV and OHM and penalties.

The statutory authority for adoption of the rules is *Minnesota Statutes*, sections 84.79, 84.80, 84.924.

Parties Affected by the Rules. Groups and individuals that will be affected by the rules are persons or businesses engaged in activities relating to lease, purchase, use, operation or manufacture of ATVs, OHMs and ORVs.

Comments and Agency Contact Person. The Minnesota Department of Natural Resources requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Lt. Michael R. Hamm
Department of Natural Resources
Division of Enforcement
1200 Warner Road
St. Paul, Minnesota 55106

Oral Statements will be received during regular business hours over the telephone at (612) 777-3095. Drafts of the proposed rules may be obtained by contacting the agency contact person.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity.

The department has established an advisory task force comprised of Department of Natural Resources personnel from the Divisions of Forestry, Trails and Waterways, Enforcement, and the License Bureau. If no hearing is required, the rulemaking process is expected to be completed by May of 1996.

All statements of information and opinions shall be accepted through March 18, 1995. All written material received by the Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 8 January 1996

Rodney W. Sando, Commissioner
Department of Natural Resources

By

Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Corrections

Proposals Sought for HIV/STD Educator

Individual to provide education and discuss prevention of the transmission of HIV/STD within the Minnesota adult correctional facilities. Contractor will work with inmate peer counselors and community based outreach workers to develop institution based HIV/STD prevention and risk reduction programs.

Forward cover letter and resume by January 31, 1996, to:

Mr. Dana Baumgartner
Health Care Administrator
Minnesota Department of Corrections
1450 Energy Park Drive
Suite 200
St. Paul, Minnesota 55108-5219

Questions may be directed to **Jim Losinski** at the above address or by phone at **612/603-0012**.

Department of Natural Resources

Division of Parks and Recreation

Gooseberry Falls State Park

Request for Proposal: Interpretive Exhibit Design and Development

The Department of Natural Resources, Division of Parks and Recreation requests proposals for interpretive exhibit design and fabrication for Gooseberry Falls State Park Interpretive Center. The project time line is: phase one completion by Sept. 2, 1996, phase 2 is within one year of phase one. The funding limit for both projects is \$100,000.00. This proposal does not obligate the agency to spend the estimated dollar amount.

A full RFP may be obtained by calling or writing the department contact:

Ted Sheppard, Regional Naturalist
1201 E. Hwy. 2
Grand Rapids, MN 55744
Phone: (218) 327-4410
Fax: (218) 327-4263
Email: ted.sheppard@dnr.state.mn.us

Other department personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Deadline for delivery of proposals is no later than 4:00 p.m. February 2, 1996 to the Department of Natural Resources, Parks and Recreation, 1201 E. Hwy 2, Grand Rapids, MN 55744.

Department of Transportation

Transportation Research and Investment Management Division

Office of Aeronautics

**Notice of Availability of Contract for Transponder Landing System (TLS) Site Analysis for Ely
Municipal Airport**

The Office of Aeronautics will award one contract for the analysis of the Ely Municipal Airport for the installation of a Transponder Landing System (TLS). The analysis shall include air traffic control, sensor siting, and determination of approximate instrument approach landing minimums. The contract award will be based on the contractor's experience and the bid total.

Contract period: April 1, 1996 through July 1, 1996.

For further information, or to obtain a copy of the completed Request for Proposal, contact:

Robert Milton
Office of Aeronautics
222 East Plato Blvd.
St. Paul, MN 55107
(612) 296-9250

Proposals must be received no later than February 3, 1996.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Southwest Regional Development Commission

Notice of Request for Proposals: Economic Impact Study

The Southwest Regional Development Commission is seeking a consultant to complete an economic impact study pertaining to the large scale development of wind power in Southwest Minnesota. This study is to examine direct and indirect economic impacts of such development.

Prospective responders may call or write with questions or to obtain a copy of the RFP.

Mark Lindquist, Environmental Services Officer
Southwest Regional Development Commission
2524 Broadway Avenue, P.O. Box 265
Slayton, MN 56172
Telephone: (507) 836-8547
FAX #: (507) 836-8866

Proposals must be received by 4:30 p.m. February 15, 1996 at the above address.

Wild About Birds

The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

Carrol L. Henderson, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," **"Wild About Birds: The DNR Bird Feeding Guide"** provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make **"Wild About Birds"** a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

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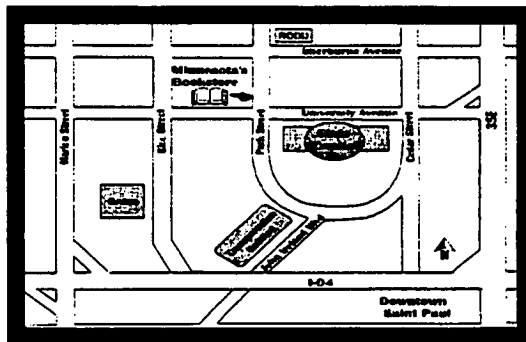
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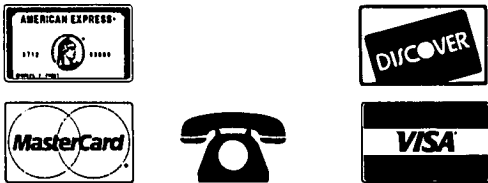
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