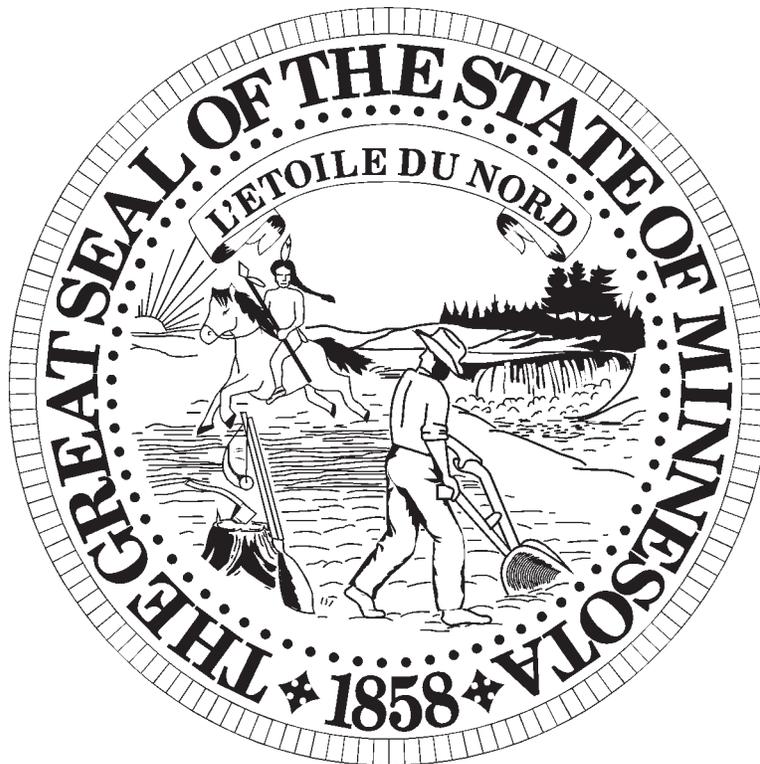


State of Minnesota

# State Register



**Rules, Executive Orders, Appointments,  
Commissioners' Orders, Revenue Notices, Official Notices, Grants,  
State Contracts & Loans, Non-State Bids, Contracts & Grants**

Published every Monday (Tuesday when Monday is a holiday)

**Monday 12 February 2007  
Volume 31, Number 33  
Pages 1017 - 1116**

# State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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Vol. 31 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	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	Deadline for Both Adopted and Proposed RULES
# 33	Monday 12 February	Noon Tuesday 6 February	Noon Wednesday 31 January
# 34	<b>TUESDAY 20 FEBRUARY</b>	Noon Tuesday 13 February	Noon Wednesday 7 February
# 35	Monday 26 February	Noon Tuesday 20 February	Noon Wednesday 14 February
# 36	Monday 5 March	Noon Tuesday 27 February	Noon Wednesday 21 February

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

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John Mikes, assistant editor (651) 297-4616  
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## NOTICE: How to Follow State Agency Rulemaking in the State Register

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 80 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. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Commodity, Service and Construction Contracts information is available from the Materials Management Helpline (651) 296-2600, or Web site:  
[www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)

Information or subscriptions to the *State Register* is available through Minnesota's Bookstore (651) 297-3000, or (800) 657-3757, Web site:  
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# Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Department of Labor and Industry

### Construction Codes and Licensing Division

#### Proposed Amendment to Rules Governing Minnesota Provisions of the State Building Code, *Minnesota Rules*, Chapter 1303, and Repeal of Rule Parts 1303.1900

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

**Introduction.** The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, March 14, 2007, a public hearing will be held in the Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 12:30 p.m. on Thursday, March 29, 2007. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after March 14, 2007, and before March 29, 2007.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Carrie Rohling, Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, **phone:** (651) 284-5217, **fax:** (651) 284-5725. **TTY** users may call the Department at (651) 297-4198.

**Subject of Rules and Statutory Authority.** The proposed rules are about updating the rules governing the Minnesota provisions of the State Building Code, *Minnesota Rules*, Chapter 1303, and repeal of parts 1303.1900. The proposed rules amend language to maintain the intent of the rules as it relates to footing depth for frost protection in light of changes that have been made to the occupancy classifications of the International Building Code (Minn. R. ch. 1305) and the International Residential Code (Minn. R. ch. 1309). The proposed rules also modify the ground snow load requirements for Clay County to more accurately reflect the ground snow load map for the southwestern half of the county. Finally, the proposed rules provide an alternative method of determining wind loads on simple buildings.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 16B.59, 16B.61, and 16B.64. On August 15, 2006, the Office of Administrative Hearings waived the publication of the proposed rules in the *State Register*. The proposed rules are available on the Department's website at [www.doli.state.mn.us](http://www.doli.state.mn.us). A free copy of the rules is also available upon request from the agency contact person listed above.

# Proposed Rules

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**Comments.** You have until 4:30 p.m. on Wednesday, March 14, 2007 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, March 14, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for Thursday, March 29, 2007 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 284-5217 after March 14, 2007 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Steve M. Mihalchick is assigned to conduct the hearing. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7666, and **fax:** (612) 3492665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement is available on the Department's website at [www.doli.state.mn.us](http://www.doli.state.mn.us), and may also be reviewed and copies obtained at the cost of reproduction from the agency.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 2965148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be

notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: February 5, 2007

M. Scott Brener, Commissioner  
Department of Labor and Industry

## Pollution Control Agency

### Municipal Division

### Proposed Permanent Rules Relating to Individual Subsurface Sewage Treatment Systems, Minnesota Rules, chs. 7080, 7081, 7082 and 7083

### NOTICE OF HEARING on Proposed Amendment to Rules Governing Subsurface Sewage Treatment Systems

**Public Hearing.** The Minnesota Pollution Control Agency (MPCA) intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2200 to 1400.2240 and the Administrative Procedures Act, *Minnesota Statutes* §§ 14.131 to 14.20. The MPCA will hold a hearing on the above-entitled rule at the MPCA's offices at the following locations from 6:00 p.m. to 8:30 p.m. on April 18, 2007, and from 9:00 a.m. to 4:30 p.m. on April 20, 2007. Access to MPCA offices is controlled and to attend a hearing you will be asked to sign in at the security desk and provide photo identification such as a Minnesota driver's license.

**MPCA St. Paul:** 4<sup>th</sup> Floor Conference Room, 520 Lafayette Road North, St. Paul, Minnesota 55155

**MPCA-Duluth:** 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802

**MPCA-Brainerd:** 7678 College Road-Suite 105, Baxter, Minnesota 56425

**MPCA-Willmar:** 1601 East Highway 12, Willmar, Minnesota 56201

**MPCA-Marshall:** 1420 East College Drive, Suite 900, Marshall, Minnesota 56258

**MPCA-Mankato:** 1230 South Victory Drive, Mankato, Minnesota 56001

**MPCA-Rochester:** 18 Wood Lake Drive Southeast, Rochester, Minnesota 55904

**MPCA-Detroit Lakes:** 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501

Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Video conference links are provided for the convenience of the public. The hearing of record will occur at the MPCA's office in St. Paul, Minnesota. The hearing will not be rescheduled in the event that the video conferencing links to one or more regional offices fails.

The MPCA will be able to display any written documents presented at the hearing at its St. Paul office to all video conference sites.

The MPCA shall post any exhibit that it intends to use or reference at the hearing on its website no later than noon on April 17, 2007.

Anyone who anticipates using a document during the hearing is encouraged to file a copy of the document with the Administrative Law Judge prior to the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge Eric Lipman, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138; Telephone: (612) 341-7609; and Fax: 6123492665. The rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 and by the rules of the Office of Administrative Hearings, Minn. R. 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**MPCA Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is:

Carol Nankivel  
MPCA

# Proposed Rules

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520 Lafayette Road North  
St. Paul, MN 55155-4194  
**Telephone:** (651) 297-8371  
**E-mail:** [carol.nankivel@pca.state.mn.us](mailto:carol.nankivel@pca.state.mn.us)  
**TTY** users may call the MPCA at (651) 297-5353 or 1-800-627-3529

**Subject of Rules and Statutory Authority.** The proposed rules will address various aspects of subsurface sewage treatment. The changes to Minn. R. ch. 7080 are proposed to address the design, installation, and maintenance of individual subsurface sewage treatment systems and the certification of products for subsurface treatment. Proposed *Minnesota Rules* Chapter 7081 will address the design, installation, and maintenance of mid-sized subsurface sewage treatment systems that serve four or more dwellings that have a daily flow of less than 10,000 gallons or other establishments with a flow of 2,501 to 10,000 gallons per day. Proposed Minn. R. ch. 7082 will address the regulation of subsurface sewage treatment through local units of government. Proposed *Minnesota Rules* Chapter 7083 will address the licensing of sewage treatment businesses and certification of qualified individuals.

The statutory authority for the proposed rules is *Minnesota Statutes* §§115.03 and 115.55, subd. 3.

The proposed rules are published below. The proposed rules and Statement of Need and Reasonableness can also be viewed at the MPCA's website at <http://www.pca.state.mn.us/programs/ists/ists-rulesmajor.html>. A free copy of the rule is available upon request from the MPCA contact person identified above.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness (SONAR) is available for review at the following MPCA offices during business hours and during the scheduled hearings:

**MPCA St. Paul:** 4<sup>th</sup> Floor Conference Room, 520 Lafayette Road North, St. Paul, Minnesota 55155

**MPCA-Duluth:** 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802

**MPCA-Brainerd:** 7678 College Road-Suite 105, Baxter, Minnesota 56425

**MPCA-Willmar:** 1601 East Highway 12, Willmar, Minnesota 56201

**MPCA-Marshall:** 1420 East College Drive, Suite 900, Marshall, Minnesota 56258

**MPCA-Mankato:** 1230 South Victory Drive, Mankato, Minnesota 56001

**MPCA-Rochester:** 18 Wood Lake Drive Southeast, Rochester, Minnesota 55904

**MPCA-Detroit Lakes:** 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501

The SONAR is also available for review on the MPCA website at <http://www.pca.state.mn.us/programs/ists/ists-rulesmajor.html> and at the Office of Administrative Hearings. The SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probably cost of the proposed rules. Copies of the SONAR may be obtained from the MPCA contact person listed above at the cost of reproduction by the MPCA.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules* 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate.

**Adoption Procedure After The Hearing.** After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the

hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the MPCA adopts the rules and the rules are filed with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the MPCA contact person stated above.

**Lobbyist Registration.** Minn. Stat., ch. 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the dates, times, and locations listed above.

Brad Moore, Commissioner  
Pollution Control Agency

**CHAPTER 7080**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**DESIGN STANDARDS FOR INDIVIDUAL SUBSURFACE**  
**SEWAGE TREATMENT SYSTEMS**

**7080.1050 PURPOSE AND INTENT.**

The proper location, design, installation, use, and maintenance of an individual subsurface sewage treatment system (ISTS) protects the public health, safety, and general welfare by preventing the discharge of adequately treated sewage to the groundwater. In accordance with the authority granted in *Minnesota Statutes*, chapters 103F, 103G, 115, and 116, the Pollution Control Agency provides minimum environmental protection standards for ISTS as defined in this chapter. These environmental protection standards shall be adopted countywide and administered and enforced by local units of government as directed by chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and *Minnesota Statutes*, section 115.55.

This chapter regulates all ISTS as defined in this chapter. This chapter does not regulate systems that do not receive sewage as defined in this chapter. If systems receive both sewage and nonsewage, the requirements of this chapter apply, plus any additional requirements governing the nonsewage portion of the wastewater. Systems serving two or more dwellings and systems receiving nonsewage are also regulated under *Code of Federal Regulations*, title 40, parts 144 and 146.

This chapter does not regulate systems that discharge to the ground surface or surface waters. Those systems require a national pollution discharge elimination system permit.

In addition, this chapter provides prescriptive design, construction, and operational standards to reasonably protect surface water and groundwater and promote public health, safety, and general welfare. This chapter also provides public health and environmental outcomes as a basis for a customdesigned system. Technology and products employed in system design shall adequately protect the public health and the environment as determined by this chapter and be approved for use by the local unit of government.

In conjunction with these standards, the agency encourages the use of advanced treatment methods and waste reduction to further reduce the discharge of contaminants.

Companion to this chapter are standards for midsized ISTS, chapter 7081, as published in the *State Register*, volume 31, page 1064, and as subsequently adopted; administrative requirements for local ordinances, permit, and inspection programs, chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted; and certification and licensing requirements for those who design, install, inspect, manage, or maintain ISTS, chapter 7083, as published in the *State Register*, volume 31, page 1088, and as subsequently adopted.

**7080.1100 DEFINITIONS.**

Subpart 1. **Certain terms.** In addition to the definitions in chapters 7081, 7082, and 7083, as published in the *State Register*, volume 31, pages 1064, 1079, and 1088, and as subsequently adopted, which are incorporated in this part, and *Minnesota Statutes*, section 115.55, the following terms have the meanings given them. For the purposes of this chapter, if a term used in this chapter is defined in chapter 7081, 7082, or 7083, as published in the *State Register*, volume 31, pages 1064, 1079, 1088, and as subsequently adopted, it shall apply to other SSTS if referenced in later chapters. For the purposes of these standards, certain terms or words used are interpreted as follows: the words “shall” and “must” are mandatory and the words “should” and “may” are permissive. All distances specified in this chapter are horizontal distances unless otherwise specified.

Subp. 2. **Absorption area.** “Absorption area” means the area on original soil below a mound system that is designed to absorb sewage tank effluent. The absorption area for trenches, seepage beds, and at-grade systems is the soil area in contact with the part of the distribution medium that is designed and loaded to allow absorption of sewage tank effluent. This includes both bottom and sidewall soil contact areas.

Subp. 3. **Agency.** “Agency” means the Pollution Control Agency.

# Proposed Rules

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Subp. 4. **Alarm device.** “Alarm device” means a device that uses visual and audible methods to alert the system owner or operator of malfunction to prevent sewage overflows.

Subp. 5. **Applicable requirements.** “Applicable requirements” means:

A. local ISTS ordinances that comply with parts 7080.2150, subpart 2, and 7081.0080, subparts 1 to 5, as published in the *State Register*, volume 31, pages 1051 and 1066, and as subsequently adopted; chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted; and *Minnesota Statutes*, section 115.55; or

B. in areas without complying ordinances to regulate ISTS, the requirements of this chapter.

Subp. 6. **ASTM.** “ASTM” means the American Society for Testing and Materials.

Subp. 7. **At-grade system.** “At-grade system” means a pressurized soil treatment and dispersal system where sewage tank effluent is dosed to an absorption bed that is constructed directly on original soil at the ground surface and covered by loamy soil materials.

Subp. 8. **Baffle.** “Baffle” means a device installed in a septic tank to retain solids and includes, but is not limited to, vented sanitary tees with submerged pipes and effluent screens.

Subp. 9. **Bedrock.** “Bedrock” means geologic layers, of which greater than 50 percent by volume consist of unweathered in-place consolidated rock or rock fragments. Bedrock also means weathered in-place rock which cannot be hand augered or penetrated with a knife blade in a soil pit.

Subp. 10. **Bedroom.** “Bedroom” means a room or unfinished area within a dwelling that might reasonably be used as a sleeping room as determined by the local unit of government.

Subp. 11. **Biochemical oxygen demand or BOD.** “Biochemical oxygen demand” or “BOD” means the measure of the quantity of oxygen used by microorganisms in the aerobic oxidation of organic matter and reduced chemicals.

Subp. 12. **Building.** “Building” means all potentially occupied structures and any structure’s foundation that could be damaged or the structural integrity of which could be jeopardized by the seepage of sewage or sewage tank effluent.

Subp. 13. **Carbonaceous biochemical oxygen demand or CBOD<sub>5</sub>.** “Carbonaceous biochemical oxygen demand” or “CBOD<sub>5</sub>” means the measure of the quantity of oxygen used by microorganisms in the aerobic oxidation of organic matter and other compounds containing carbon.

Subp. 14. **Certificate of compliance.** “Certificate of compliance” means a document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

Subp. 15. **Certified statement.** “Certified statement” means a statement signed by a certified individual, apprentice, or qualified employee under chapter 7083, as published in the *State Register*, volume 31, page 1088, and as subsequently adopted, certifying that the licensed business or qualified employee completed work in accordance with applicable requirements.

Subp. 16. **Cesspool.** “Cesspool” means an underground pit, receptacle, or seepage tank that receives sewage directly from a building sewer and leaches sewage into the surrounding soil, bedrock, or other soil materials. Cesspools include sewage tanks that were designed to be watertight, but subsequently leak below the designed operating depth.

Subp. 17. **Clean sand.** “Clean sand” means a soil fill material required to be used in mounds. The standards for clean sand are outlined in part 7080.2220, subpart 3, item C.

Subp. 18. **Commissioner.** “Commissioner” means the commissioner of the Pollution Control Agency.

Subp. 19. **Compliance inspection.** “Compliance inspection” means an evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.

Subp. 20. **Disinfection.** “Disinfection” means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.

Subp. 21. **Distinct.** “Distinct” means a soil color that is not faint.

Subp. 22. **Distribution box.** “Distribution box” means a device designed to distribute sewage tank effluent concurrently and equally by gravity to multiple segments of a soil treatment and dispersal system.

Subp. 23. **Distribution device.** “Distribution device” means a device used to receive and transfer effluent from supply pipes to distribution pipes or downslope supply pipes, or both. These devices include, but are not limited to, drop boxes, valve boxes, distribution boxes, or manifolds.

Subp. 24. **Distribution medium.** “Distribution medium” means the material used to store and distribute sewage tank effluent within a soil treatment and dispersal system.

Subp. 25. **Distribution pipes.** “Distribution pipes” means perforated pipes that distribute effluent within a distribution medium.

Subp. 26. **Dosing chamber.** “Dosing chamber” means a tank or separate compartment following the sewage tank that serves as a reservoir for a pump. Dosing chambers in a separate tank are considered a septic system tank under *Minnesota Statutes*, section 115.55, subdivision 1, paragraph (o).

Subp. 27. **Drip dispersal system.** “Drip dispersal system” means a small diameter pressurized wastewater distribution system that can deliver small, precise doses of effluent to the soil surrounding the drip distribution piping.

Subp. 28. **Drop box.** “Drop box” means a distribution device used for the serial gravity application of sewage tank effluent to a soil

treatment system.

Subp. 29. **Dwelling.** “Dwelling” means any building or place used or intended to be used by human occupants as a single-family, multifamily, or seasonal residence with plumbing. Each family unit in a multifamily residence is considered one dwelling.

Subp. 30. **Effluent screen.** “Effluent screen” means a device that filters solid materials from sewage tanks as effectively as an outlet baffle before discharge to a soil treatment system.

Subp. 31. **EPA.** “EPA” means the United States Environmental Protection Agency.

Subp. 32. **Existing systems.** “Existing systems” means systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

Subp. 33. **Faint.** “Faint” means a soil color:

A. with the same hue as another soil color but that varies from the other color by two or less units of value and not more than one unit of chroma;

B. that differs from another soil color by one hue and by one or less units of value and not more than one unit of chroma; or

C. that differs from another soil color by two units of hue with the same value and chroma.

Subp. 34. **Fecal coliform or FC.** “Fecal coliform” or “FC” means bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of disinfection, generally expressed in colonies per 100 mL.

Subp. 35. **Fine sand.** “Fine sand” means a sand soil texture, as described in the *Field Book for Describing and Sampling Soils*, which is incorporated by reference in subpart 40, where more than 50 percent of the sand has a particle size range of 0.05 millimeters, sieve size 270, to 0.25 millimeters, sieve size 60.

Subp. 36. **Flood fringe.** “Flood fringe” means that portion of the floodplain outside the floodway. Flood fringe is synonymous with the term “floodway fringe” used in flood insurance studies.

Subp. 37. **Floodplain.** “Floodplain” means the area covered by a 100-year flood event along lakes, rivers, and streams as published in technical studies by local, state, and federal agencies, or in the absence of these studies, estimates of the 100-year flood boundaries and elevations as developed according to a local unit of government’s floodplain or related land use regulations.

Subp. 38. **Floodway.** “Floodway” means the bed of a wetland or lake, the channel of a watercourse, and those portions of the adjoining floodplain that are reasonably required to carry the regional flood discharge.

Subp. 39. **Flow measurement.** “Flow measurement” means any method to accurately measure water or sewage flow, including, but not limited to, water meters, event counters, running time clocks, or electronically controlled dosing.

Subp. 40. **Geomorphic description.** “Geomorphic description” means the identification of the landscape, landform, and surface morphometry of the proposed area of the soil treatment and dispersal system as described in the *Field Book for Describing and Sampling Soils: Version 2.0 (2002)*, developed by the National Soil Survey Center and Natural Resources Conservation Service of the United States Department of Agriculture. The field book is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 41. **Greywater.** “Greywater” means sewage that does not contain toilet wastes.

Subp. 42. **Greywater system.** “Greywater system” means a system that receives, treats, and disperses only greywater or other similar system as designated by the commissioner.

Subp. 43. **Hazardous waste.** “Hazardous waste” means any substance that, when discarded, meets the definition of hazardous waste in *Minnesota Statutes*, section 116.06, subdivision 11.

Subp. 44. **Holding tank.** “Holding tank” means a tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding tanks are considered a septic system tank under *Minnesota Statutes*, section 115.55, subdivision 1, paragraph (o).

Subp. 45. **Individual subsurface sewage treatment system or ISTS.** “Individual subsurface sewage treatment system” or “ISTS” means a sewage treatment and dispersal system or part that consists of sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive sewage from three or fewer dwellings or other establishments with an average daily flow of 2,500 gallons per day or less. ISTS includes the holding tanks and privies that serve these same facilities. ISTS does not include building sewers or other components regulated under chapter 4715.

Subp. 46. **Inner wellhead management zone.** “Inner wellhead management zone” means the drinking water supply management area for a public water supply well that does not have a delineated wellhead protection area approved by the Department of Health under part 4720.5330.

Subp. 47. **Invert.** “Invert” means the lowest point of a channel inside a pipe.

Subp. 48. **Liquid capacity.** “Liquid capacity” means the liquid volume of a sewage tank below the invert of the outlet pipe or, for holding tanks and dosing chambers, the liquid volume below the invert of the inlet.

Subp. 49. **Lot.** “Lot” means a parcel of land in a plat recorded in the office of the county recorder or registrar of titles or a parcel of land created and conveyed, using a specific legal description, for a building site to be served by an ISTS.

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Subp. 50. **Management plan.** “Management plan” means a plan that requires the periodic examination, adjustment, testing, and other operational requirements to maintain system performance expectations, including a planned course of action in the event a system does not meet performance expectations.

Subp. 51. **Matrix.** “Matrix” means the majority of the color in a soil horizon, as described in the *Field Book for Describing and Sampling Soils*, which is incorporated by reference in subpart 40.

Subp. 52. **Medium sand.** “Medium sand” means a sand soil texture, as described in the *Field Book for Describing and Sampling Soils*, which is incorporated by reference in subpart 40, that ranges in size between 0.25 millimeters, sieve size 60, and 0.5 millimeters, sieve size 35.

Subp. 53. **Mottles.** “Mottles” means the minority of the variegated colors in a soil horizon, as described in the *Field Book for Describing and Sampling Soils*, which is incorporated by reference in subpart 40.

Subp. 54. **Mound system.** “Mound system” means a soil treatment and dispersal system with an absorption bed elevated above the original soil with clean sand to overcome soil limitations.

Subp. 55. **New construction.** “New construction” means installing or constructing a new ISTS or altering, extending, or adding capacity to a system that has been issued an initial certificate of compliance.

Subp. 56. **Notice of noncompliance.** “Notice of noncompliance” means a document written and signed by a certified inspector after a compliance inspection that gives notice that an ISTS is not in compliance as specified under part 7080.1500.

Subp. 57. **O&G.** “O&G” means oil and grease, a component of sewage typically originating from foodstuffs such as animal fats or vegetable oils or consisting of compounds of alcohol or glycerol with fatty acids such as soaps and lotions, typically expressed in mg/L.

Subp. 58. **Ordinary high water level.** “Ordinary high water level” of surface water has the meaning given in Minnesota Statutes, section 103G.005, subdivision 14.

Subp. 59. **Original soil.** “Original soil” means naturally occurring soil that has not been cut, filled, moved, smeared, compacted, altered, or manipulated to the degree that a different soil sizing factor is needed from natural soil conditions.

Subp. 60. **Other pit.** “Other pit” means any pit or other device designed to leach sewage effluent that is greater than 30 inches in height or has a bottom area loading rate of sewage greater than two gallons per square feet per day.

Subp. 61. **Owner.** “Owner” means any person having possession of, control over, or title to property with an ISTS.

Subp. 62. **Parent material.** “Parent material” means the geologic material from which the soil was formed and is commonly differentiated from soil by the absence of soil structure and high color values.

Subp. 63. **Percolation rate.** “Percolation rate” means the rate of a drop of water infiltrating into a test hole as specified in part 7080.1720, subpart 6.

Subp. 64. **Plastic limit.** “Plastic limit” means a soil moisture content below which the soil may be manipulated for purposes of installing a soil treatment and dispersal system and above which manipulation will cause compaction or smearing. The soil moisture content at the plastic limit can be measured by American Society for Testing and Materials, Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils, ASTM D4318 (2005). The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

Subp. 65. **Pressure distribution.** “Pressure distribution” means a network of distribution pipes in which effluent is forced through orifices under pressure.

Subp. 66. **Privy.** “Privy” means an aboveground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing and greywater.

Subp. 67. **Proprietary product.** “Proprietary product” means a sewage treatment or distribution technology, method, or material subject to a patent or trademark.

Subp. 68. **Public domain technology.** “Public domain technology” means a sewage treatment or distribution technology, method, or material not subject to a patent or trademark.

Subp. 69. **Public waters.** “Public waters” means any public waters or wetlands defined in Minnesota Statutes, section 103G.005, subdivision 15, or identified as public waters or wetlands by the inventory prepared according to *Minnesota Statutes*, section 103G.201.

Subp. 70. **Redoximorphic features.** “Redoximorphic features” means:

A. a color pattern in soil, formed by oxidation or reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color; or

B. a soil matrix color controlled by the presence of ferrous iron.  
Redoximorphic features are described in part 7080.1720, subpart 5, item E.

Subp. 71. **Replacement.** “Replacement” means the removal or discontinued use of any major portion of an ISTS and reinstallation of that portion of the system, such as reinstallation of a new sewage tank, holding tank, dosing chamber, privy, or soil treatment and dispersal system.

Subp. 72. **Seasonally saturated soil.** “Seasonally saturated soil” means the highest elevation in the soil that is in a reduced chemical

state due to soil pores filled with water causing anaerobic conditions. Seasonally saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.

**Subp. 73. Seepage bed.** “Seepage bed” means a soil treatment and dispersal system, the absorption width of which is greater than three feet but no greater than 25 feet and that has more than one distribution pipe.

**Subp. 74. Seepage pit.** “Seepage pit” means an underground pit that receives sewage tank effluent and from which the liquid seeps into the surrounding soil and that meets the design requirements in part 7080.2550.

**Subp. 75. Septage.** “Septage” means solids and liquids removed from an SSTS. Septage includes solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets. Waste from Type III marine sanitation devices, as defined in *Code of Federal Regulations*, title 33, section 159.3, and material that has come into contact with untreated sewage within the past 12 months is also considered septage.

**Subp. 76. Septic tank.** “Septic tank” means any watertight, covered receptacle that is designed and constructed to receive the discharge of sewage from a building sewer or preceding tank, stores liquids through a period of detention, separates solids from liquid, digests organic matter, and allows the effluent to discharge to a succeeding tank, treatment device, or soil treatment and dispersal system.

**Subp. 77. Serial distribution.** “Serial distribution” means distribution of sewage tank effluent by gravity flow that progressively loads one section of a soil treatment and dispersal system to a predetermined level before overflowing to the succeeding section and does not place a dynamic head on the lower section of the soil treatment and dispersal system. The distribution medium may function as a conveyance medium to the next section.

**Subp. 78. Setback.** “Setback” means a separation distance measured horizontally.

**Subp. 79. Sewage.** “Sewage” means waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes.

**Subp. 80. Sewage tank.** “Sewage tank” means a receptacle used in the containment or treatment of sewage and includes, but is not limited to, septic tanks, aerobic tanks, lift stations, dosing chambers, and holding tanks. Requirements for sewage tanks are described in parts 7080.1900 to 7080.2030. Sewage tanks are considered a septic system tank in *Minnesota Statutes*, section 115.55, subdivision 1, paragraph (o).

**Subp. 81. Sewage tank effluent.** “Sewage tank effluent” means the liquid that flows from a septic tank or other treatment device.

**Subp. 82. Site.** “Site” means the area required for the proper location of the ISTS.

**Subp. 83. Slope.** “Slope” means the vertical rise or fall divided by the horizontal distance, expressed as a percentage.

**Subp. 84. Soil texture.** “Soil texture” means the soil particle size classification and particle size distribution as specified in the *Field Book for Describing and Sampling Soils*, incorporated by reference in subpart 40.

**Subp. 85. Soil treatment area.** “Soil treatment area” means the area required for the soil treatment and dispersal system, including spacing between individual units or zones.

**Subp. 86. Soil treatment and dispersal system.** “Soil treatment and dispersal system” means a system where sewage effluent is treated and dispersed into the soil by percolation and filtration and includes, but is not limited to, trenches, seepage beds, at-grade systems, mound systems, and drip dispersal systems.

**Subp. 87. Subsoil.** “Subsoil” means a soil layer that has a moist color value of 3.5 or greater and has undergone weathering and soil formation processes.

**Subp. 88. Subsurface sewage treatment system or SSTS.** “Subsurface sewage treatment system” or “SSTS” is either an individual subsurface sewage treatment system as defined in subpart 45 or a mid-sized subsurface sewage treatment system as defined in part 7081.0020, subpart 3, as published in the *State Register*, volume 31, page 1064, and as subsequently adopted, as applicable.

**Subp. 89. Supply pipe.** “Supply pipe” means a nonperforated pipe, the purpose of which is to transport sewage tank effluent.

**Subp. 90. Systems in shoreland areas or wellhead protection areas or systems serving food, beverage, or lodging establishments or SWF.** “Systems in shoreland areas or wellhead protection areas or systems serving food, beverage, or lodging establishments” or “SWF” means the following three categories of systems:

A. SSTS constructed in shoreland areas where land adjacent to public waters has been designated and delineated as shoreland by local ordinance as approved by the Department of Natural Resources;

B. SSTS constructed in wellhead protection areas regulated under *Minnesota Statutes*, chapter 103I; and

C. SSTS serving food, beverage, and lodging establishments that are required to obtain a license under *Minnesota Statutes*, section 157.16, subdivision 1, including manufactured home parks and recreational camping areas licensed according to *Minnesota Statutes*, chapter 327.

**Subp. 91. Toilet waste.** “Toilet waste” means waste commonly disposed of in toilets, including fecal matter, urine, toilet paper, and

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water used for flushing.

Subp. 92. **Toilet waste treatment devices.** “Toilet waste treatment devices” means other toilet waste apparatuses including incinerating, composting, biological, chemical, recirculating, or holding toilets or portable restrooms.

Subp. 93. **Topsoil.** “Topsoil” means the natural, in-place organically enriched soil layer with a color value of less than 3.5.

Subp. 94. **Topsoil borrow.** “Topsoil borrow” means a loamy soil material having:

- A. less than five percent material larger than two millimeters, No. 10 sieve;
- B. no material larger than 2.5 centimeters;
- C. a moist color value of 3.5 or less; and
- D. adequate nutrients and pH to sustain healthy plant growth.

Subp. 95. **TN.** “TN” means total nitrogen, typically expressed in mg/L.

Subp. 96. **Total suspended solids or TSS.** “Total suspended solids” or “TSS” means solids that are in suspension in water and that are removable by laboratory filtering.

Subp. 97. **TP.** “TP” means total phosphorus, typically expressed in mg/L.

Subp. 98. **Trench.** “Trench” means a soil treatment and dispersal system, the absorption width of which is 36 inches or less.

Subp. 99. **Valve box.** “Valve box” means a watertight structure designed for alternate distribution of sewage tank effluent to segments of a soil treatment system.

Subp. 100. **Vertical separation.** “Vertical separation” means the vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the seasonal saturated soil level or bedrock.

Subp. 101. **Watertight.** “Watertight” means constructed so that no liquid can get into or out of a device except through designed inlets and outlets.

Subp. 102. **Wellhead protection area.** “Wellhead protection area” means the surface and subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field as regulated under chapter 4720. For the purposes of this chapter, wellhead protection area is that area bounded by the drinking water supply management area as regulated under chapter 4720.

## **7080.1150 ADVISORY COMMITTEE.**

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

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

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

B. technical data relating to SSTS;

C. a technical manual on SSTS;

D. educational materials and programs for SSTS;

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

F. the product registration and renewal process;

G. development of any product registration advisory panels that may be created; and

H. other SSTS activities considered appropriate by the committee.

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

A. one must be a citizen of Minnesota, representative of the public;

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

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

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

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

F. six must be SSTS designated certified individuals as defined in part 7083.0020, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, who have geographic distribution throughout the state, with each certification category represented on the committee;

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

H. one must be from the Department of Natural Resources;

I. one must be from the Department of Labor and Industry; and

J. one must be a water well contractor.

Subp. 4. **Nonvoting members.** The following agencies and associations shall each have at least one nonvoting member to assist the advisory committee and to be advised, in turn, on matters relating to chapters 7080 to 7083, as published in the *State Register*, volume 31, pages 1023-1101, and as subsequently adopted: the agency, the United States Department of Agriculture Natural Resource Conservation

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Service, the Minnesota Association of Professional Soil Scientists, the Metropolitan Council, the Association of Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota Cities, the Minnesota Society of Engineers, the Association of Small Cities, the Minnesota Association of Realtors, the Minnesota Environmental Health Association, SSTS suppliers, the Minnesota On-Site Wastewater Association, the American Society of Home Inspectors, the Minnesota Small Business Association, Hospitality Minnesota, and Minnesota Waters.

**Subp. 5. Appointment; terms.** All members must be appointed by the commissioner from recommendations by the named entities or organizations. All members serve four-year terms, with terms staggered to maintain continuity. Voting members may serve a maximum of two consecutive terms, except by virtue of their office. If the voting member's attendance falls below 50 percent during the term, the appointed member loses membership status for the remaining term. The commissioner shall then appoint a replacement member for the remainder of the term from the recommendation offered by the affected entity or organization. In the case of a vacancy, the commissioner shall appoint a replacement member for the unexpired balance of the term. Administrators, inspectors, elected officials, and contractors must be bona fide residents of this state for at least three years before being appointed and must have at least three years' experience in their respective businesses or offices.

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

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

## **7080.1200 ADMINISTRATION OF DESIGN STANDARDS.**

**Subpart 1. Administrative scope.** ISTS must be designed, constructed, and operated according to this chapter, except as modified through a local ordinance in compliance with chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and *Minnesota Statutes*, section 115.55. ISTS must be designed, installed, inspected, pumped, serviced, and operated by licensed businesses meeting the qualifications in chapter 7083, as published in the *State Register*, volume 31, page 1088, and as subsequently adopted. ISTS must conform to all applicable state laws and rules.

**Subp. 2. Federal regulation.** SSTS that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day, are regulated under *Code of Federal Regulations*, title 40, parts 144 and 146.

**Subp. 3. Variance procedures.** The standards in this chapter are provided to be incorporated into a local ordinance according to chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and *Minnesota Statutes*, section 115.55. Variance requests to the standards made by an owner or owner's agent must be issued or denied by the local unit of government. Variances may not be issued by the local unit of government for part 7080.2150, subpart 2, items A to F.

## **7080.1500 COMPLIANCE CRITERIA.**

**Subpart 1. Treatment required.** Sewage discharged from a dwelling that is not served by a system issued a permit containing effluent and discharge limits or specific monitoring requirements by the agency must be treated according to applicable requirements.

**Subp. 2. Primitive dwellings.** Greywater from dwellings without plumbing that originated from hand-carried water must not be discharged directly to surface waters, drainageways, or poorly drained soils; in a manner or volume harmful to the environment or public health; or in a manner that creates a public health nuisance as determined by the local unit of government.

**Subp. 3. Compliance criteria for new construction.** An ISTS regulated under a current construction permit is considered compliant if it meets the requirements of parts 7080.2150 to 7080.2400.

**Subp. 4. Compliance criteria for existing systems.** To be in compliance, an existing ISTS must meet the provisions of this subpart.

A. The ISTS must be protective of public health and safety. A system that is not protective is considered an imminent threat to public health or safety. At a minimum, a system that is an imminent threat to public health or safety is a system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a sewage backup into a dwelling; systems with electrical hazards; or sewage tanks with unsecured or weak maintenance hole covers or weak lids. A determination of protectiveness for other conditions may be made by a qualified employee inspector or licensed inspection business.

B. The ISTS must be protective of groundwater. A system that is not protective is considered a system failing to protect groundwater. At a minimum, a system that is failing to protect groundwater is a system that is a seepage pit, cesspool, drywell, leaching pit, or other pit; a system with less than the required vertical separation distance described in items D and E; and a system not abandoned in accordance with part 7080.2500. A determination of protectiveness for other conditions may be made by a qualified employee or licensed inspection business.

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C. The ISTS must be operated, meet performance standards, and be managed according to its management plan, operating permit, monitoring and mitigation plan, or local ordinance requirements.

D. ISTS built after March 31, 1996, or in an SWF area shall have a three-foot vertical separation or a vertical separation based on applicable requirements. The local ordinance may allow no more than a 15 percent reduction in the vertical separation distance to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions.

E. ISTS built before April 1, 1996, in non-SWF areas must have at least two feet of vertical separation.

F. The vertical separation measurement for items D and E shall be measured outside the area of system influence in an area of similar soil.

Subp. 5. **Compliance criteria for systems receiving replacement components.** Components of an existing system that result in the system being in noncompliance must be repaired or replaced according to part 7082.0100, subpart 1, as published in the *State Register*, volume 31, page 1081, and as subsequently adopted. The repaired or replacement components must meet technical standards and criteria for new construction according to local ordinance. The remaining components of the existing system must result in the system being in compliance with subpart 4.

## **7080.1550 ACCEPTABLE AND PROHIBITED DISCHARGES.**

Subpart 1. **Sewage.** This chapter provides design standards for ISTS that exclusively receive sewage. If ISTS receive both sewage and nonsewage, the requirements of this chapter and requirements governing the nonsewage portion of the waste apply.

Subp. 2. **System influent.** Footing or roof drainage and chemically treated hot tub and pool water must not be discharged into any part of a system. Products containing hazardous chemicals and hazardous waste 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 but not limited to solvents, pesticides, flammables, photo finishing chemicals, paint, and dry-cleaning chemicals must not be discharged to the system. Other unused products or substances, or unused medicines, must not be discharged to the system solely as a method of disposal. Floor drains from garages serving dwellings must not be connected to the system.

## **7080.1600 PRODUCT REVIEW AND REGISTRATION PROCESS.**

### **Subpart 1. General.**

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

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

- (1) public domain treatment technologies, such as sand filters;
- (2) proprietary treatment technologies, such as manufactured aerobic treatment systems;
- (3) public domain distribution technologies, such as drainfield rock or generic drainfield rock substitutes; and
- (4) proprietary distribution technologies, such as gravelless distribution products and drip dispersal products.

C. Sewage technologies shall have standards described in this chapter or agency recommended standards and guidance before local units of government may permit them. Recommended standards and guidance must include information and detail, such as application, design, installation, operation, monitoring and maintenance, and performance expectations, and sources of the information.

### **Subp. 2. Proprietary treatment products; certification and registration.**

A. Manufacturers shall register their proprietary products with the commissioner before the local unit of government may permit their use.

B. To qualify for product registration, manufacturers desiring to sell or distribute proprietary treatment products shall:

- (1) verify product performance through testing using the testing protocol established in Table I in part 7080.1610 and register their product with the commissioner using the process described in parts 7080.1600 to 7080.1660;
- (2) report test results of influent and effluent sampling obtained throughout the testing period, including normal and stress loading phases, for evaluation of constituent reduction according to Table II in part 7080.1615;
- (3) demonstrate product performance according to Table III in part 7080.1620. All 30-day averages and geometric means obtained throughout the test period must meet the identified threshold values to qualify for registration at that threshold level; and
- (4) verify bacteriological reduction according to part 7080.1635, for registration at Levels A and B in Table III in part 7080.1620.

C. Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a qualified, third-party testing facility. Product performance testing shall be consistent with the following:

- (1) National Sanitation Foundation (NSF) International, Residential Wastewater Treatment Systems, Standard 40 (July 2000). The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change;
- (2) Environmental Protection Agency (EPA) and National Sanitation Foundation (NSF), Protocol for the Verification of Wastewater Treatment Technologies (April 2001). The protocol is incorporated by reference, is available through the Minitex interlibrary loan system,

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and is not subject to frequent change:

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

(4) European Committee for Standardization (CEN), Small Wastewater Treatment Systems for up to 50 PT - Part 3: Packaged and/or Site Assembled Domestic Wastewater Treatment Plants, EN 12566-3 (October 2003). The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change;

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

(6) protocol for bacteriological reduction described in part 7080.1635.

D. Treatment levels used in part 7080.1620 are not intended to be applied as field compliance standards. Their intended use is to establish treatment product performance in a product testing setting under established protocols by qualified testing entities.

## **7080.1610 TESTING REQUIREMENTS FOR PROPRIETARY TREATMENT PRODUCTS.**

The testing protocols in this part are incorporated by reference under part 7080.1600, subpart 2, item C.

TABLE I

<u>Treatment component/ sequence category</u>	<u>Required testing protocol</u>
<u>Category A: Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment Level C (Table III, part 7080.1620)</u>	<u>NSF Residential Wastewater Treatment Systems, Standard 40, or CEN European Standard, EN125663</u>
<u>Category B: Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment Level C (Table III, part 7080.1620), including restaurants, grocery stores, minimarts, group homes, medical clinics, residences, etc.</u>	<u>EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies, EPA/ETV Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction, or equivalent</u>
<u>Total nitrogen and phosphorus reduction in Categories A and B</u>	<u>EPA Environmental Technology Verification, Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction, or equivalent</u>

## **7080.1615 TEST RESULTS REPORTING REQUIREMENTS FOR PROPRIETARY TREATMENT PRODUCTS.**

TABLE II

<u>Treatment component/ sequence category</u>	<u>Testing results reported</u>
<u>Category A: Designed to treat sewage with strength typical of a residential source when septic tank effluent</u>	<u>Report test results for influent and effluent sampling obtained throughout the testing period for evaluation</u>



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strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment Level C.		CBOD <sub>5</sub> (mg/L)	TSS (mg/L)	O&G (mg/L)	FC (#/100ml)	Nutrient (mg/L)
	A	15	15		1,000	
	B	25	30		10,000	
	C	125	80	20		
	TN					20
	TP					2

Values for Levels A and B are 30day values (averages for CBOD<sub>5</sub>, TSS, and geometric mean for FC). All 30day averages throughout the test period must meet these values in order to be registered at these levels. Values for Levels C, TN, and TP are derived from full test averages.

Category B:  
Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment Level C, including restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.

All of the following requirements must be met:  
(1) all full test averages must meet Level C; and  
(2) the treatment capacity of the product tested in pounds per day for CBOD<sub>5</sub> must be reported.

Total nitrogen and phosphorus reduction in Categories A and B

Test results must establish product performance effluent quality meeting Levels TN and TP, when presented as the full test average.

## **7080.1625 PROPRIETARY TREATMENT PRODUCTS REGISTRATION; PROCESS AND REQUIREMENTS.**

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

- (1) the manufacturer's name, mailing address, street address, and telephone number;
- (2) the contact individual's name, title, mailing address, street address, and telephone number. The contact individual must be a company official with the authority to represent the manufacturer in this capacity;
- (3) the name, including specific brand and model, of the proprietary treatment product;
- (4) a description of the function of the proprietary treatment product along with any known limitation of the use of the product;
- (5) product description and technical information, including process flow drawings and schematics, materials and characteristics, component design specifications, design capacity, volumes and flow assumptions and calculations, components, dimensioned drawings, and photos;
- (6) for treatment systems in Category B, daily capacity of the model or models provided in pounds per day of CBOD<sub>5</sub>;
- (7) siting and installation requirements;
- (8) a detailed description, procedure, and schedule of routine service and system maintenance events;

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(9) estimated operational costs for the first five years of the treatment component's life including estimated annual electricity usage and routine maintenance costs, including replacement of parts;

(10) identification of information requested to be protected from disclosure of trade secrets or confidential business information;

(11) copies of product brochures and manuals, such as sales, promotional, design, installation, operation, and maintenance materials and homeowner instructions;

(12) the most recently available product test protocol and results report;

(13) all available product testing results, including a listing of state approvals and denials;

(14) a signed and dated certification by the manufacturer's authorized senior executive or authorized agent specifically including the following statement: "I certify that I represent (INSERT MANUFACTURING COMPANY HERE) and I am authorized to prepare or direct the preparation of this application for registration. I attest, under penalty of law, that this document and all attachments are true, accurate, and complete. I understand and accept that the product testing results reported in this application for registration are the parameters and values to be used for determining conformance with treatment system performance testing levels established in *Minnesota Rules*, part 7080.1620.";

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

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

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

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

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

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

(3) if the application is complete and the commissioner determines that the product meets or exceeds all applicable protocols, the commissioner shall place the product on the list of registered treatment devices.

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

E. To renew technology registration, a manufacturer shall:

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

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

(3) provide an affidavit to the commissioner verifying whether the product has changed over the previous three years. If the product has changed, the affidavit must include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and must fulfill the requirements for initial registration.

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

(1) request field assessment comments from local units of government no later than October 31 for product renewal. The comments may include concerns about a variety of field assessment issues, including product function, product reliability, product performance, and problems arising from operation and maintenance;

(2) discuss with the Technical Advisory Panel of the ISTS Advisory Committee established under part 7080.1150 any field assessment information that may impact product registration renewal;

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

(4) renew the product registration, unless the manufacturer does not apply for renewal or the commissioner, after deliberation with the Technical Advisory Panel, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and questions.

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

H. Manufacturers shall have readily accessible information for designers, regulators, systems owners, and other interested parties about their product, including but not limited to:

(1) product manuals;

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

## **7080.1630 TRANSITION FROM PREVIOUS REQUIREMENTS FOR AEROBIC TANK TREATMENT SYSTEMS AND OTHER TREATMENT SYSTEMS TO NEW REGISTERED LIST.**

A. The use of aerobic tank treatment systems as specified in *Minnesota Rules* 2005, chapter 7080, and other advanced treatment technologies may be used for 18 months after the effective date of this chapter.

B. After 18 months after the effective date of this chapter, only those products registered under this chapter may be used as directed in registration guidance documents.

C. To be registered, manufacturers of aerobic tank treatment systems shall apply for product registration. Aerobic tank treatment systems must meet all other requirements established in this chapter for registration.

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

## **7080.1635 BACTERIOLOGICAL REDUCTION.**

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

Subp. 2. **Verification.** Manufacturers shall, for the purpose of product registration as described in parts 7080.1605 to 7080.1625 for meeting treatment Level A or B, verify bacteriological reduction performance by sampling and testing for fecal coliform.

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

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

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

C. test the influent to any disinfection unit and report flow rate, pH, temperature, and turbidity at each occasion of sampling performed in item D;

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

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

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

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

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

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

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

Subp. 4. **Disinfection.** Manufacturers may register products that use disinfection in treatment Levels A and B or products that use disinfection may be registered by manufacturers as a component of the process in treatment Level A or B.

## **7080.1640 DISTRIBUTION MEDIUM; CERTIFICATION AND REGISTRATION.**

A. If drainfield rock is to be used as the distribution medium, it must:

(1) be insoluble, durable rock;

(2) be between three-fourths inch and 2-1/2 inches in size;

(3) have no more than five percent by weight able to pass through a three-fourths inch sieve;

(4) have no more than one percent by weight able to pass through a No. 200 sieve; and

(5) have no more than five percent by weight of materials greater than 2-1/2 inches in size.

B. For nonrock distribution media, manufacturers shall register the distribution media, including gravelless distribution media and subsurface drip dispersal products, with the commissioner before the local unit of government may permit their use.

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C. Manufacturers desiring to sell distribution media shall certify that the media meet the standards established in this part and register the media with the commissioner using the process in part 7080.1645.

D. Distribution media must:

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

(2) provide liquid storage volume at least equal to the storage volume provided within the 30 percent void space in a 12-inch layer of drainfield rock in a drainfield-rock-filled distribution system. The storage volume must be established by the distribution medium, system design, and installation and must be maintained for the life of the system. This requirement may be met on a lineal foot basis or on an overall system design basis;

(3) provide suitable effluent distribution and infiltration rate to the absorption area at the soil interface; and

(4) maintain the integrity of the trench or bed. The material used, by its nature and manufacturer-prescribed installation procedure, must withstand the physical forces of the soil sidewalls, soil backfill, and weight of equipment used in the backfilling.

E. Subsurface drip dispersal products must:

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

(2) incorporate emitters with a maximum nominal rated discharge of 1.3 gallons per hour. Emitter discharge rate may be controlled by use of pressure-compensating emitters or with a pressure regulator; and

(3) be color-coded purple to identify that the pipe contains nonpotable water from a sewage source.

## **7080.1645 PROPRIETARY DISTRIBUTION PRODUCTS; PROCESS AND REQUIREMENTS.**

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

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

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

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

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

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

F. siting and installation requirements;

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

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

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

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

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

L. a statement from a licensed professional engineer that certifies the technology meets the standards established in part 7080.1640;

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

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

O. a technology review fee if allowed by law.

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

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

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

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

C. if the application is complete and the commissioner determines that the product meets or exceeds all applicable protocols, the commissioner shall place the product on the list of distribution products.

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

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

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

B. provide an affidavit to the commissioner verifying whether the product has changed over the previous three years. If the product has changed, the affidavit must include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and must fulfill the requirements for initial registration.

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

A. request field assessment comments from local units of government no later than October 31 for product renewal. The comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising from operation and maintenance;

B. discuss with the Technical Advisory Panel of the ISTS Advisory Committee established under part 7080.1150 any field assessment information that may impact product registration renewal;

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

D. renew, modify, or deny the product registration based on information received during the renewal process. If the manufacturer does not apply for renewal or the commissioner, after deliberation with the Technical Advisory Panel, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and questions, product registration shall be denied.

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

Subp. 8. **Manufacturer information.** Manufacturers shall have readily accessible information for designers, regulators, system owners, and other interested parties about their product, including but not limited to:

A. product manuals;

B. design instructions;

C. installation instructions;

D. information regarding operation and maintenance;

E. system owner instructions; and

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

## **7080.1650 TRANSITION FROM PREVIOUS REQUIREMENTS FOR DISTRIBUTION PRODUCTS TO NEW REGISTERED LIST.**

A. The distribution products specified in *Minnesota Rules* 2005, chapter 7080, may be used 18 months after the effective date of this chapter.

B. After 18 months after the effective date of this chapter, only those products registered under this chapter may be used as directed in registration guidance documents.

C. To be registered, manufacturers of proprietary distribution products shall apply for product registration.

D. Distribution products shall meet all other requirements for registration established in this chapter.

## **7080.1655 PRODUCT DEVELOPMENT PERMITS.**

Subpart 1. **Local government may issue.** A local unit of government may issue a product development permit (PDP) for any proprietary treatment component or sequence. To protect public health during the development period, a PDP may be applied to a Type I, Type II, or Type III system, as described under parts 7080.2200 to 7080.2300. A PDP may also be applied to a Type IV system, as described under part 7080.2350, if treatment levels of the technologies meet or exceed requirements in the operating permit. The product under development may then be added to the treatment system allowing the product developer to gather data about the product's performance in the field. The PDP allows product developers to explore and develop new technologies prior to product testing and registration under parts 7080.1605 to 7080.1625. The PDP is not an alternative to testing and registration.

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

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

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

C. documentation of financial assurance that will cover the correction of any potential public health threats or environmental damage

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resulting from the use of the product under development. Instruments of financial assurance include: an irrevocable letter of credit in the amount required by the local unit of government issued by an entity authorized to issue letters of credit in Minnesota; cash or a security deposit payable to the local unit of government in the amount required by the local unit of government; or any other financial assurance that satisfies the local unit of government;

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

E. an agreement to obtain all other required permits;

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

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

## **Subp. 3. Additional requirements.**

A. The local unit of government may stipulate additional requirements for a PDP necessary to ensure the performance of the conforming system, including, but not limited to, providing performance data to the local unit of government.

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

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

D. The manufacturer and product tester shall agree in writing to hold harmless, indemnify, and defend the agency and local unit of government from any conduct by the manufacturer or product tester that causes harm or injury to the site owner's property and indemnifies the agency and local unit of government from such claims.

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

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

**Subp. 6. PDP duration.** A PDP is valid for one year and may be renewed by the local unit of government.

**Subp. 7. End of PDP period.** The product development period is over when the original PDP or any subsequently renewed permits have expired. At that time, the product developer shall, at the direction of the local unit of government, remove the product under development from the site, restore the real property to its original condition, and reestablish all appropriate plumbing and power connections for the conforming system. The developer may also subject the product to performance testing described in parts 7080.1600, subpart 2, and 7080.1645, subpart 1, to allow the product to be eligible for product registration with the agency.

**Subp. 8. Revocation or amendment of PDP.** The local unit of government may revoke or amend a PDP:

A. if the continued operation or presence of the product under development presents a risk to the public health or the environment, causes adverse effects on the proper function of the conforming system on the site, or leaks or discharges sewage on the surface of the ground;

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

C. upon request of the site owner.

**Subp. 9. Fees.** The local unit of government may charge fees adequate to administer the PDP program.

## **7080.1660 PRODUCT REGISTRATION CONTESTED CASE HEARING.**

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

## **7080.1670 PROFESSIONAL REQUIREMENTS.**

Systems must be designed, installed, inspected, operated, and maintained by appropriately licensed businesses and certified professionals according to part 7083.0700, as published in the *State Register*, volume 31, page 1089, and as subsequently adopted, and any other applicable state requirements.

## **7080.1700 DESIGN PHASE I; SITE EVALUATION.**

Site evaluations consisting of preliminary and field evaluations according to parts 7080.1710 and 7080.1720 must be conducted for all proposed sites for ISTS. The site evaluation is considered the first phase of an ISTS design.

## **7080.1710 PRELIMINARY EVALUATION.**

A preliminary evaluation shall consist of the determination, location, or existence of the following items:

A. flow amounts for the dwelling or dwellings;

B. proposed or existing:

(1) water supply wells within 100 feet of the proposed ISTS;

(2) noncommunity transient public water supply wells within 200 feet of the proposed ISTS if alternative local standards are in effect;

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(3) a community or noncommunity nontransient water supply in a drinking water supply management area if alternative local standards are in effect;

(4) existing and proposed buildings or improvements on the lot; and

(5) buried water supply pipes within 50 feet of the proposed system;

C. easements on the lot;

D. the ordinary high water level of public waters;

E. floodplain designation and flooding elevation from published data or data that is acceptable to and approved by the local unit of government or the Department of Natural Resources;

F. property lines;

G. all required setbacks from the system;

H. determination of the soil characteristics at the proposed soil treatment and dispersal areas as obtained from the soil survey report, if available;

I. a legal description and lot dimensions;

J. names of property owners;

K. the inner wellhead management zone or wellhead protection area of a public water supply; and

L. a determination of whether a wetland delineation has been conducted or whether a regulatory body will require a wetland delineation to be conducted on the lot.

## **7080.1720 FIELD EVALUATION.**

Subpart 1. **Scope.** A field evaluation consists of the items described in subparts 2 to 7.

Subp. 2. **Lot lines.** Lot lines shall be established to the satisfaction of the property owner or the property owner's agent. Lot improvements, required setbacks, and easements must be identified.

Subp. 3. **Surface features.** The following surface features must be described:

A. the percent and direction of the slope at the proposed system location;

B. vegetation types;

C. any evidence of cut or filled areas or disturbed or compacted soil;

D. the flooding or run-on potential; and

E. a geomorphic description.

Subp. 4. **Soil observations.** Multiple soil observations are required for the initial and replacement soil treatment area and at least one soil observation must be performed in the area anticipated to have the most limiting conditions. The total number of soil observations required is based on the judgment of the certified individual or the local unit of government. Soil observations must comply with the following requirements:

A. the soil observations must be conducted within or on the borders of the proposed site;

B. the soil observations must be performed in an exposed pit or by hand augering or probing;

C. the soil observation method must allow observation of the different soil horizons that constitute the soil profile and must allow the observation of undisturbed soil structure;

D. underground utilities must be located before soil observations are undertaken;

E. required safety precautions must be taken before entering soil pits;

F. soil observations must be conducted prior to any required percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depth percolation tests shall be conducted; and

G. the minimum depth of the soil observations must be to the seasonally saturated layer, to the bedrock, or three feet below the proposed depth of the system, whichever is less.

Subp. 5. **Soil descriptions.** Each soil profile observed at the proposed soil treatment area must be evaluated under adequate light conditions with the soil in a moist state for the characteristics in items A to H:

A. the depth of each soil horizon measured from the ground surface. Soil horizons are differentiated by changes in texture, color, redoximorphic features, bedrock, structure, consistence, and any other characteristic that may affect water movement or treatment of effluent;

B. a description of all soil colors for each horizon according to the Munsell Soil Color Charts, Revised Edition, Munsell Color Corporation (1992), or equivalent. The color charts are incorporated by reference, are available through the Minitex interlibrary loan system, and are not subject to frequent change;

C. a description of the soil texture, structure, and consistence using the United States Department of Agriculture (USDA) soil classification system as specified in the Field Book for Describing and Sampling Soils, which is incorporated by reference under part 7080.1100, subpart 40;

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D. depth to the bedrock;

E. depth to the seasonally saturated soil for new construction or replacement as determined by redoximorphic features and other indicators, as determined in subitems (1) to (3):

(1) in subsoil and parent material, redoximorphic features include:

(a) distinct redoximorphic iron accumulations or distinct redoximorphic iron depletions;

(b) a gleyed or depleted soil matrix or redoximorphic mottles having a color chroma of two or less or a depleted matrix or redoximorphic mottles having a color hue of 5Y and a chroma of three or less; or

(c) faint redoximorphic concentrations or faint redoximorphic depletions in subsoil or parent material with a hue of 7.5YR or redder;

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

(a) soil colors with a redoximorphic chroma of two or less; or

(b) redoximorphic accumulations or depletions;

(3) in the upper 12 inches of the topsoil layer immediately followed by a seasonally saturated horizon, the depth of seasonal saturation may be determined by indicators in units (a) to (e):

(a) soil colors with a chroma of zero;

(b) organic soil textures or mineral soil textures with an organic modifier;

(c) dominance of hydrophilic vegetation;

(d) the soil treatment area at or near the elevation of the ordinary high water level of a surface water or the soil treatment area in a depressional landscape position; or

(e) the soil expressing indicators of seasonal saturation as determined in *Field Indicators of Hydric Soils in the United States: Guide for Identifying and Delineating Hydric Soils*, USDA Natural Resource Conservation Service (2003). The field indicators are incorporated by reference, are available through the Minitex interlibrary loan system, and are subject to frequent change;

F. depth to the seasonally saturated soil for all existing systems, determined by redoximorphic features in item E, except subitems (2), unit (a), and (3), units (a), (c), and (d), as measured outside the area of system influence in an area of similar soil;

G. depth of standing water in the soil observation excavation, measured from the soil surface, if observed; and

H. any other soil characteristic that may need to be described to properly design a system, such as hardpans or restrictive layers. These other characteristics must be classified according to the *Field Book for Describing and Sampling Soils*, which is incorporated by reference under part 7080.1100, subpart 40.

**Subp. 6. Percolation tests.** Percolation tests, when desired or required to supplement the soil texture, structure, and consistence determination, must be made as described in items A to H.

A. Each test hole must be six to eight inches in diameter, have vertical sides, and be located in the soil treatment. For mounds and at-grade systems, the bottom of each test hole must be in the upper 12 inches of the original soil. For trenches and seepage beds, the bottom of each test hole shall be at the depth of the absorption area.

B. Soil texture descriptions for percolation test holes must note the depths from the ground surface where texture changes occur.

C. The bottom and sides of the hole must be carefully scratched to remove any smearing and to provide a natural soil surface into which water may penetrate. The scarification must not result in the hole having a diameter of greater than eight inches.

D. All loose material must be removed from the bottom of the test hole and two inches of one-fourth to three-fourths inch gravel or clean sand must be added to protect the bottom from scouring.

E. The hole must be carefully filled with clear water to a minimum depth of 12 inches from the bottom of the test hole and maintained for no less than four hours for saturation to occur. The soil must then be allowed to swell for at least 16, but no more than 30, hours. In sandy soils, the saturation and swelling procedure is not required and the test may proceed if the initial filling of the hole with 12 inches of water seeps away in less than ten minutes.

F. In sandy soils, water depth must be adjusted to eight inches over the soil at the bottom of the test hole. From a fixed reference point, the drop in water level must be measured in inches to the nearest 1/16 inch at approximately ten-minute intervals. A measurement may also be made by determining the time it takes for the water level to drop one inch from an eight-inch reference point. If eight inches of water seeps away in less than ten minutes, a shorter interval between measurements must be used, but water depth must not exceed eight inches. The test must continue until three consecutive percolation rate measurements do not vary by more than ten percent. In other soils, the water depth must be adjusted to eight inches over the soil at the bottom of the test hole. From a fixed reference point, the drop in water level must be measured in inches to the nearest 1/16 inch at approximately 30-minute intervals and refilled between measurements to maintain an eight-inch starting head. If water seeps away in less than 30 minutes, a shorter time interval between measurements must be used, but water depth must not exceed eight inches. The test must continue until three consecutive percolation rate measurements do not vary by more than ten percent. The percolation rate may also be determined by observing the time it takes the water level to drop one inch from an eight-inch reference point if a constant water depth of at least eight inches has been maintained for at least four hours prior to the measurement.

G. The time interval must be divided in minutes by the drop in water level in inches to obtain the percolation rate in minutes per inch. The percolation rates that are within the ten percent provision determined for each test hole must be averaged to determine the final percolation rate for that hole. The slowest final percolation rate for all holes within the soil treatment and dispersal area must be used for design.

H. A percolation test must not be run where frost exists within 12 inches of the bottom of the percolation test hole.

Subp. 7. **Site protection.** The proposed soil treatment and dispersal area site shall be protected from disturbance, compaction, or other damage by staking, fencing, posting, or other effective method.

**7080.1730 PHASE I; SITE EVALUATION REPORTING.**

A written report on the site evaluation must be prepared and include the following:

A. preliminary and field evaluation results from parts 7080.1710 and 7080.1720;

B. dates of preliminary and field evaluations;

C. a map drawn to scale or dimension with a north arrow, and including:

(1) horizontal and vertical reference points of the proposed soil treatment and dispersal areas, soil observations, percolation tests, and distance from the proposed ISTS to all required setbacks, lot improvements, easements, ordinary high water mark of public waters, property lines, and direction and percent slope;

(2) the location of any unsuitable, disturbed, or compacted areas; and

(3) the access route for system maintenance;

D. the estimated depth of seasonally saturated soil layer, bedrock, or flood elevation, if appropriate;

E. the proposed elevation of the bottom of the soil treatment and dispersal system;

F. the final soil sizing factor. If there is a discrepancy between the soil texture, structure, and consistence determination and any percolation rates measured in Table IX in part 7080.2150, subpart 3, item F, the larger soil sizing factor must be used or a justification for a smaller sizing must be submitted in the design report. Soil sizing determined using soil texture, structure, and consistence must be based on an undisturbed soil sample from which an evaluation of the soil structure and consistence can be made;

G. anticipated construction-related issues;

H. the name, address, telephone number, and certified statement of the individual conducting the site evaluation;

I. an assessment of how known or reasonably foreseeable land use changes may affect system performance, including, but not limited to, changes in drainage patterns, increased impervious surfaces, and proximity of new water supply wells;

J. a narrative explaining any difficulties encountered during the site evaluation, including but not limited to identifying and interpreting soil and landform features and how the difficulties were resolved; and

K. an explanation of any differences between observed soil characteristics and those identified in the soil survey report.

**7080.1750 DESIGN PHASE II.**

Subpart 1. **System design.** Completion of tasks outlined in parts 7080.1850 to 7080.2430 is considered the second phase of ISTS design.

Subp. 2. **Compliance.** Designs for new construction or replacement ISTS must comply with applicable requirements and any other applicable codes, rules, and laws.

**7080.1850 SEWAGE FLOW DETERMINATION FOR DWELLINGS.**

Subpart 1. **System sizing.** If construction of additional dwellings or bedrooms, the installation of water-using devices, or other factors likely to affect the operation of the ISTS can be reasonably anticipated, the system must be designed to accommodate these factors.

Subp. 2. **Design flow.** Average daily flow must be used to size soil treatment and dispersal systems. The estimated average daily flow for any dwelling must provide for at least two bedrooms. For multiple or multifamily dwellings, the average design flow consists of the sum of the average daily flows for each individual unit.

**7080.1860 AVERAGE DAILY FLOW (GALLONS PER DAY).**

TABLE IV

Number of bedrooms	Classification of dwelling			
	I	II	III	IV

Gallons per day

2 or less	300	225	180	*
3	450	300	218	*

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4	600	375	256	*
5	750	450	294	*
6	900	525	332	*

\* Flows for Classification IV dwellings are 60 percent of the values as determined for Classification I, II, or III systems. For more than six bedrooms, the average daily flow is determined by the following formulas:

Classification I: Classification I dwellings are those with more than 800 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, or where more than two of the following water-use appliances are installed or anticipated: clothes washing machine, dishwasher, water conditioning unit, bathtub greater than 40 gallons, garbage disposal, or self-cleaning humidifier in furnace. The average daily flow for Classification I dwellings is determined by multiplying 150 gallons by the number of bedrooms.

Classification II: Classification II dwellings are those with 500 to 800 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, and where no more than two of the water-use appliances listed in Classification I are installed or anticipated. The average daily flow for Classification II dwellings is determined by adding one to the number of bedrooms and multiplying this result by 75 gallons.

Classification III: Classification III dwellings are those with less than 500 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, and where no more than two of the water-use appliances listed in Classification I are installed or anticipated. The average daily flow for Classification III dwellings is determined by adding one to the number of bedrooms, multiplying this result by 38 gallons, then adding 66 gallons.

Classification IV: Classification IV dwellings are dwellings designed under part 7080.2240.

## **7080.1880 SEWAGE FLOW DETERMINATION FOR OTHER ESTABLISHMENTS.**

Average daily sewage flow and waste concentration levels for other establishments with a flow of 2,500 gallons per day or less shall be determined by part 7081.0130, as published in the *State Register*, volume 31, page 1067, and as subsequently adopted.

## **7080.1900 SEWAGE TANKS; GENERAL.**

Sewage tanks serving ISTS must meet or exceed the applicable requirements of parts 7080.1910 to 7080.2030 unless otherwise approved by a licensed professional engineer and approved by the local unit of government.

## **7080.1910 TANK STRENGTH.**

Subpart 1. **Requirements.** Tanks, fittings, risers, and apertures must:

A. be capable of supporting long-term vertical loads for the conditions in which the tank will be placed. These loads include, but are not limited to, saturated soil load, based on 130 pounds per cubic foot, and concentrated wheel load of 1,800 pounds;

B. be capable of withstanding a lateral load for the conditions the tank will be placed, with a minimum lateral load of 62.4 pounds per cubic foot;

C. be capable of withstanding any other loads or stresses placed upon the tank;

D. not be subject to excessive corrosion and degradation from sewage or sewage gases, including risers and maintenance hole covers; and

E. be structurally capable of withstanding exposure and stresses from freezing conditions.

Subp. 2. **Poured-in-place concrete tanks.** Poured-in-place concrete tanks must be designed to meet each requirement of subpart 1 and be designed by a Minnesota licensed professional engineer.

## **7080.1920 SEPTIC TANK DESIGN.**

Septic tanks must:

A. have a liquid depth of at least 30 inches. Any liquid depth that is greater than 78 inches must not be used when calculating the septic tank liquid capacity;

B. have a minimum of six feet between the inlet and outlet of the tank, rather than between compartments, or have a minimum of six feet from the inlet of the first tank to the outlet of the last tank in series;

C. if site conditions warrant, the inlet and outlet may be located on walls that are not opposite each other along the axis of maximum dimension; however, the requirements of item B must be met;

D. have an inlet invert at least two inches above the outlet invert; and

E. have a reserve or storage space between the liquid surface and the top of the inlet and outlet baffles of not less than eight inches or 100 gallons, whichever is greater.

## **7080.1930 SEPTIC TANK CAPACITY.**

Subpart 1. **Dwellings.** The liquid capacity of septic tanks must be at least as large as the liquid capacities given in Table V.

**TABLE V**

<u>Number of bedrooms capacities (gallons)</u>	<u>Septic tank liquid minimum</u>
<u>3 or less</u>	<u>1,000</u>
<u>4 or 5</u>	<u>1,500</u>
<u>6 or 7</u>	<u>2,000</u>
<u>8 or 9</u>	<u>2,500</u>

Where more than nine bedrooms are present, the septic tank capacity must be calculated by the following formula:  $2,500 + (\# \text{ of bedrooms} - 9 \times 250)$ .

**Subp. 2. Garbage disposals.** If a garbage disposal unit is anticipated or installed in a dwelling, the septic tank capacity must be at least 50 percent greater than that required in subpart 1 and must include either multiple compartments or multiple tanks. In addition, an effluent screen with an alarm must be employed.

**Subp. 3. Sewage pumping.** If sewage is pumped from a sewage ejector or grinder pump from a dwelling to a septic tank, the septic tank capacity must be at least 50 percent greater than that required in subpart 1 and must include either multiple compartments or multiple tanks. In addition, an effluent screen with an alarm must be employed.

**Subp. 4. Sewage pumping and garbage disposals.** If conditions in both subparts 2 and 3 apply to a dwelling, the mitigative requirements of either subpart 2 or 3 apply; the requirements of both subparts 2 and 3 need not be additive.

**Subp. 5. Systems serving multiple dwellings.** For systems serving multiple dwellings with a common septic tank, the liquid capacity must be determined by adding the capacities for each dwelling as determined in this part.

**Subp. 6. Prior to other treatment devices.** Septic tank liquid capacity prior to other treatment devices must accord with manufacturer's requirements or accepted engineering principles.

**7080.1940 MULTIPLE TANKS.**

A. If more than one septic tank is used to obtain the required liquid capacity as determined in part 7080.1930, septic tanks may be connected in series or employ multiple collection systems or employ effective flow splitting to operate multiple tanks in parallel if approved by the local unit of government.

B. If tanks are connected in series, no tank or compartment may be less than 25 percent of the required total liquid capacity. For new construction, the first tank must be equal to or larger than any subsequent tank in the series.

**7080.1950 COMPARTMENTALIZATION OF SINGLE TANKS.**

If septic tanks are compartmentalized, items A to E apply.

A. When septic tanks are divided into compartments, the volume of the first compartment must be equal to or larger than any succeeding compartments. No compartment may be less than 25 percent of the total required liquid capacity. No compartment may have an inside horizontal dimension less than 24 inches.

B. Flow between compartments can be achieved by an unbaffled transfer hole with a minimum size of 50 square inches located in the clarified liquid zone or a transfer hole located above the clarified liquid zone that is baffled according to part 7080.1960. The final compartment of a tank that employs a transfer hole in the clarified zone shall not be used as a dosing chamber.

C. Septic tanks must have at least a two-inch drop between the invert of the inlet to the invert of the outlet. No liquid level drop is required between the compartments.

D. Adequate venting must be provided between compartments by baffles or by an opening of at least 12 square inches near the top of the compartment wall.

E. All compartmental walls must be strong enough to bear the weight of the effluent against an empty compartment.

**7080.1960 SEPTIC TANK BAFFLES.**

All septic tanks must be baffled according to items A to G. Effluent screens may be substituted for outlet baffles.

A. Baffles must be installed at each inlet and outlet of septic tanks. Outlet baffles are required on compartment walls if the transfer hole is at the liquid level.

B. Baffles must be constructed of acid-resistant concrete, acid-resistant fiberglass, or plastic resistant to corrosion or decay. Inlet baffles must not restrict the movement of solids.

C. Baffles must be integrally cast with the tank or affixed at the top and bottom with connectors that are not subject to corrosion or decay. Baffles for fiberglass-reinforced polyester tanks may be resin bonded or secured with suitable structural adhesive. Sanitary tees used as baffles must be affixed to the inlet or outlet pipes with a permanent waterproof adhesive.

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D. The inlet baffle must extend at least six inches, but not more than 20 percent of the total liquid depth, below the liquid surface and at least six inches above the liquid surface.

E. The outlet baffle and any baffles between compartments must 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 must be 35 percent of the total liquid depth. They must also extend above the liquid surface as required in item D. In no case may these baffles extend less than six inches above the liquid surface.

F. There must be at least one inch between the underside of the top of the tank and the highest point of the inlet and outlet baffles.

G. The nearest point on the inlet baffles other than sanitary tees must be no less than six inches and no more than 12 inches from the end of the inlet pipe. The nearest point on the outlet baffle, other than sanitary tees, may be no closer than six inches and no more than 12 inches from the beginning of the outlet pipe to the baffle. Sanitary tees used as inlet or outlet baffles must be at least four inches in diameter.

## **7080.1970 SEPTIC TANK ACCESS.**

A. There must be a maintenance hole with a minimum diameter of 20 inches (least dimension) over all baffles, screens, pumps, or other devices that may need inspection, maintenance, or repair. Enough maintenance holes must be provided so access can be gained within six feet of all walls for solids removal of each compartment.

B. All maintenance hole risers must extend through the tank cover to or above finished grade.

C. Covers for maintenance holes must:

(1) be secured by having sufficient weight or bolted, locked, or secured by other methods approved by the local unit of government; be leak resistant; and be designed so the cover cannot be slid or flipped, which could allow unauthorized access to the tank;

(2) have a written and graphic label warning of the hazardous conditions inside the tank;

(3) be capable of withstanding a load that the cover is anticipated to receive. The cover must maintain the load rating and not be subject to loss of integrity or strength over time or changes in climatic temperature; and

(4) be made of a material suitable for outdoor use and resistant to ultraviolet degradation.

## **7080.1980 TANK CONSTRUCTION.**

A. All precast reinforced concrete sewage tanks should be constructed according to the National Precast Concrete Association's best practices manual, Precast Concrete Onsite Wastewater Tanks (2005). The manual is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change. If a conflict exists between the manual and this chapter, this chapter applies.

B. Fiberglass-reinforced polyester and polyethylene tanks should meet the construction standards in International Association of Plumbing and Mechanical Officials (IAPMO), Material and Property Standard for Prefabricated Septic Tanks, Standard PS 1-2006 (2006). The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change. If conflicts exist between the standard and this chapter, this chapter applies.

## **7080.1990 TANK STORAGE, TRANSPORT, AND USE.**

**Subpart 1. Precast reinforced concrete tanks.** Precast reinforced concrete tanks must:

A. have inserts embedded in the concrete to lift the tank that are designed for an ultimate load that is four times the working load;

B. undergo proper curing to achieve a compressive strength of 4,000 pounds per square inch before transport, placement, or use; and

C. have no pipe penetration points or openings in the exterior walls or tank bottom below the tank liquid level.

**Subp. 2. Other tanks.** Fiberglass-reinforced polyester or polyethylene tanks must be protected against deterioration during storage.

## **7080.2000 LOCATION AND INSTALLATION OF TANKS.**

A. Sewage tanks must not be placed in areas with obstructions that prohibit the removal of solids and liquids from the tank according to this part.

B. Sewage tanks must not be placed in areas where vertical or horizontal distances prohibit the ability of pump trucks to remove the solids and liquids according to this part.

C. Sewage tanks must be set back as specified in Table VII in part 7080.2150, subpart 2, item F.

D. The top of sewage tanks should not be buried deeper than four feet and must not be buried deeper than seven feet from final grade for new dwellings. Tanks shall not be buried deeper than the tanks' maximum designed depth. The minimum depth of soil cover over the insulation on the top of the tank is six inches.

E. Sewage tanks must not be placed in floodways, drainageways, or swales. Upslope drainage must be diverted away from the location of all tanks. A tank's final cover must be crowned or sloped to shed surface water.

F. Sewage tanks must not be placed in areas subject to vehicular traffic unless engineered for the anticipated load.

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G. Sewage tanks must be placed on firm and evenly compacted soil and with the soil level in all directions. The bottom shall be excavated in a manner so the vertical load is borne by the tank walls and not the tank bottom. If the bottom of the tank excavation contains rocks, bedding material must be used according to manufacturer's instructions. The soil beneath the tank must be capable of bearing the weight of the tank and its contents.

H. Backfilling around sewage tanks must be made in lifts no greater than 12 inches in loose thickness and placed nearly equally around the tank. Backfill material must be free of large stones, frozen soil material, or other debris. Backfill material must be brought to near natural density in a manner that avoids undue strain on the tank. For fiberglass-reinforced polyester or polyethylene tanks, the height of the backfill material must not exceed the height of water in the tank.

I. Sewage tanks and risers must be installed according to manufacturer's requirements and in a structurally sound and watertight fashion.

J. If the top of a sewage tank is to be less than two feet from final grade, the lid of the tank must be insulated to an R-value of ten. Maintenance hole covers must be insulated to an R-value of ten. Maintenance hole risers may be insulated to an R-value of ten. All insulating materials must be resistant to water absorption.

K. Sewage tanks placed below the level of the seasonally saturated soil must be anchored or have sufficient weight to protect against flotation under high-water table conditions when the tank is empty.

L. Connections between the concrete tank and the building sewer or supply pipe must meet the requirements of American Society for Testing and Materials, Standard Specification for Resilient Connectors Between Reinforced Concrete Manhole Structures, Pipes, and Laterals, ASTM C923 (2002), or equivalent. The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

M. Joints of concrete tanks and concrete tank lids must be sealed using a bonding compound that meets American Society for Testing and Materials, Standard Specification for Joints for Concrete Pipe, Manholes, and Precast Box Sections Using Preformed Flexible Joint Sealants, ASTM C990 (2003). The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

### **7080.2010 TANK TESTING.**

#### **Subpart 1. General.**

A. All sewage tanks must be watertight, including at all tank and riser joints, riser connections, and pipe connections.

B. Testing of all models of sewage tanks to be used must be conducted to determine:

- (1) the structural integrity of the tank design; and
- (2) the adequacy of the manufacturing process of watertightness.

C. Sewage tanks, including riser joints, riser connections, and pipe connections must be designed, manufactured, and installed to be watertight for 25 years under normal use.

Subp. 2. **Structural integrity of design test.** The structural integrity of each model of tank produced must be verified to determine the horizontal and vertical loads that the tank can withstand when empty. Tanks must be reverified for structural integrity if the design, materials, or construction methods are modified. A licensed professional engineer shall certify in writing if different models are similar enough so that the structural integrity information for one model is valid for other models. Verifications must be submitted to the commissioner. The commissioner shall maintain and make available the verifications upon request. All poured-in-place tanks must be verified.

#### **Subp. 3. Watertightness test.**

A. Of all sewage tanks manufactured, every 25th tank produced must be tested for watertightness. At least one tank per year, per model must be tested for watertightness. All poured-in-place tanks shall be tested for watertightness. Records of testing must be maintained by the manufacturer for three years and must be available to the commissioner and local unit of government if requested. Tanks must be tested and meet or exceed the requirements of subitems (1) to (3):

- (1) when empty, a tank must maintain a vacuum of at least two inches of mercury for five minutes, without loss of pressure;
- (2) concrete tanks must hold water for one hour, without loss, after the tank has been filled with water to the top of the tank, let stand for 24 hours, and then refilled to the same level; and
- (3) fiberglass-reinforced polyester or polyethylene sewage tanks must hold water without loss for one hour after being filled.

B. Sewage tanks that do not pass the tests listed in item A, subitems (1) to (3), must not be used until repaired and retested. The repair and retest procedure must be repeated until the tank passes the test or the tank must not be used.

### **7080.2020 TANK IDENTIFICATION.**

A. Sewage tanks must be marked near the outlet with:

- (1) the manufacturer's name;

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- (2) model number;
- (3) liquid capacity;
- (4) date of manufacture; and
- (5) maximum depth of burial.

B. The tank inlet or outlet must be clearly marked.

C. The installer shall submit the information in item A with the as-built drawing.

## **7080.2030 EFFECTIVE DATE.**

Sewage tanks must meet the requirements of parts 7080.1910 to 7080.2020 within three years of the effective date of this chapter. Tanks produced and installed within this three-year period must meet the requirements of *Minnesota Rules* 2005, part 7080.0130.

## **7080.2050 DISTRIBUTION OF EFFLUENT.**

Subpart 1. **General.** Distribution of effluent for ISTS must meet or exceed the requirements of this part.

### **Subp. 2. Supply pipes.**

A. The supply pipe extending from the septic tank to the undisturbed soil beyond the tank excavation must meet the strength requirements of American Society for Testing and Materials (ASTM), Schedule 40 Pipe, contained in Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120, ASTM D1785 (2006). The schedule is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

#### **B. Supply pipes must:**

(1) be made from materials resistant to breakdown from sewage and soil;

(2) be watertight, including all joints;

(3) be durable for a 25-year design life;

(4) not deflect, buckle, crush, or longitudinally bend;

(5) be resistant to pressures, fatigue, and strain for the application;

(6) be installed according to American Society of Testing and Materials, Standard Practice for Underground Installation of Thermo-plastic Pipe for Sewers and Other Gravity-Flow Applications, ASTM D2321 (2005). The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change;

(7) be designed, installed, and protected so that effluent will not freeze in the pipe;

(8) not be closer than six inches from final grade. Pipes susceptible to freezing shall be insulated; and

(9) be set back from water supply wells and water service pipes according to chapter 4715.

C. The minimum slope for gravity supply pipes is one percent (1/8 inch per linear foot). There is no maximum slope. Pipe restraints must be used for slopes greater than 20 percent or where fluid velocities in the pipe exceed 15 feet per second. For pressure systems, the slope shall be sufficient to allow quick drainback to the dosing chamber.

D. Access to each supply pipe must be provided for cleanout. The cleanout point must be accessible from final grade.

### **Subp. 3. Gravity distribution.**

A. Serial distribution must be used to distribute effluent to individual trenches in a soil treatment and dispersal system. If the necessary elevation differences between trenches for serial distribution cannot be achieved by natural topography or by varying the excavation depths, parallel distribution may be used. Serial distribution must not create a pressure head on trenches at lower elevations.

B. If drop boxes are used for serial distribution, subitems (1) to (6) apply.

(1) The drop box must be watertight and constructed of durable materials not subject to corrosion or decay.

(2) The invert of the inlet supply pipe must be at least one inch higher than the invert of the outlet supply pipe to the next drop box.

(3) The invert of the outlet supply pipe to the next drop box may be no greater than two inches higher than the crown of the distribution pipe serving the trench in which the box is located.

(4) When sewage tank effluent is delivered to the drop box by a pump, the pump discharge must be directed against a wall or side of the box on which there is no outlet or directed against a deflection wall, baffle, or other energy dissipater. The pump must discharge at a rate at least ten percent greater than the water supply flow rate but no faster than the rate at which effluent will flow out of the distribution device. The supply pipe must drain after the pump shuts off.

(5) The drop box must be covered by a minimum of six inches of soil. If the top of the box is deeper than six inches, access must be provided above, at, or within six inches of finished grade.

(6) The drop box must be placed on firm and settled soil.

C. If valve boxes are used, all requirements of item B apply to valve boxes.

D. Distribution boxes must meet the standards in subitems (1) to (6).

(1) The box must be watertight and constructed of durable materials not subject to corrosion or decay.

(2) The distribution box must be covered by a minimum of six inches of soil. If the top of the box is deeper than six inches, access must

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be provided above, at, or within six inches of the finished grade.

(3) The inverts of all outlets must be set and maintained at the same elevation.

(4) The inlet invert must be either at least one inch above the outlet invert or sloped such that an equivalent elevation above the outlet invert is obtained within the last eight feet of the inlet pipe.

(5) Each trench line must be connected separately to the distribution box and must not be subdivided. Distribution boxes must not be connected to one another if each box has distribution pipes.

(6) When sewage tank effluent is delivered by pump, a baffle wall must be installed in the distribution box or the pump discharge must be directed against a wall, baffle, side of the box on which there is no outlet, or directed against a deflection wall, baffle, or other energy dissipater. The baffle must be secured to the box and extend at least one inch above the crown of the inlet pipe. Pressure must not build up in the box during pump discharge.

E. Nonpressurized distribution pipes must meet the requirements of subitems (1) to (4) and subpart 2, item B, subitems (1) and (3) to (5).

(1) Distribution pipes used for gravity distribution must be at least four inches in diameter.

(2) Distribution pipes used for gravity distribution must have at least one row of holes of no less than one-half inch in diameter spaced no more than 40 inches apart.

(3) Distribution pipes for gravity distribution must be laid level or on a uniform slope oriented away from the distribution device of no more than four inches per 100 feet.

(4) Distribution pipes for gravity distribution in seepage beds must be uniformly spaced no more than five feet apart and not more than 30 inches from the side walls of the seepage bed.

#### Subp. 4. Pressure distribution.

A. Pressure distribution must pressurize the entire distribution system and must be used for:

(1) mound systems;

(2) at-grade systems;

(3) all seepage beds placed in soils with a sizing classification of 1 or 2 in Table IX in part 7080.2150, subpart 3, item F;

(4) all seepage beds with a width greater than 12 feet;

(5) all trench systems if the trenches are at the same elevation and placed in soils with a sizing classification of 1 or 2 in Table IX in part 7080.2150, subpart 3, item F;

(6) systems receiving an organic load of less than 25 percent of values in part 7081.0270, subpart 6, as published in the *State Register*, volume ..., page..., and as subsequently adopted; and

(7) all systems where the distribution network is installed above the original grade.

B. Pressurized distribution pipes must conform to the requirements of subpart 2, item B, subitems (1) and (3) to (5).

C. Pressure distribution pipes and associated fittings must be properly joined together. The pipe and connections must be able to withstand a pressure of at least 40 pounds per square inch.

D. The distribution network must be designed so there is less than a ten percent variance in flow for all perforations.

E. Perforations must be no smaller than one-eighth inch diameter and no larger than one-quarter inch diameter. The number of perforations, perforation spacing, and pipe size for pressure distribution must be in accordance with Table VI. The friction loss in any individual perforated lateral must not exceed 20 percent of the average pressure head on the perforations.

TABLE VI  
MAXIMUM NUMBER OF PERFORATIONS PER LATERAL

		1/4 inch holes				
		Pipe diameter in inches				
		1	1.25	1.5	2	3
Perforation spacing in feet	2	10	13	18	30	60
	2.5	8	12	16	28	54
	3	8	12	16	25	52
			3/16 inch holes			
		Pipe diameter in inches				
		1	1.25	1.5	2	3
Perforation spacing in feet	2	12	18	26	46	87
	2.5	12	17	24	40	80

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	3	12	16	22	37	75
			1/8 inch holes			
			Pipe diameter in inches			
		1	1.25	1.5	2	3
Perforation spacing in feet						
2	21	33	44	74	149	
2.5	20	30	41	69	135	
3	20	29	38	64	128	

F. Perforation holes must be drilled straight into the pipe and not at an angle. Pressurized distribution laterals must be installed level. Perforation holes must be free of burrs. Holes may be spaced no more than three feet apart. A method to introduce air into the pipe after dosing must be provided. The pipes must completely drain after the pump turns off.

G. Pressure distribution laterals must be spaced no further than 36 inches apart in seepage beds and mound absorption beds, and no further than 24 inches from the outside edge of the bed.

H. Pressure distribution laterals must be connected to a header or manifold pipe that is of a diameter such that the friction loss in the header or manifold will be no greater than five percent of the average head at the perforations. The header or manifold pipe must be connected to the supply pipe from the pump.

I. Perforated laterals must not be installed closer than 12 inches from the edges of the absorption bed and perforations must not be installed closer than 12 inches from the ends of the absorption bed.

J. Pressure distribution pipe cleanouts must be provided to check the system for proper operation and cleaning of plugged perforations. Cleanouts must be accessible from final grade.

## 7080.2100 DOSING OF EFFLUENT.

Subpart 1. **General.** When dosing is necessary, it must comply with this part.

Subp. 2. **Dosing chambers.**

A. Dosing chambers shall meet or exceed the requirements of parts 7080.1910, 7080.1970, and 7080.1980 to 7080.2020. All dosing chambers must be vented.

B. The pump, pump controls, and pump discharge line must be installed to allow access for servicing or replacement without entering the dosing chamber.

C. The dosing chamber must either include an alternating two-pump system or have a minimum total capacity of 500 gallons for average daily flow valves of 600 gallons per day or less or 100 percent of the average daily flow for average daily flow valves of greater than 600 gallons per day.

D. An ISTS with a pump must employ an alarm device to warn of failure.

E. The inlet of pumps must be elevated at least four inches from the bottom of the dosing chamber or protected in some other manner to prevent the pump from drawing excessive settled solids.

F. Electrical installations must comply with applicable laws and ordinances including the most current codes, rules, and regulations of public authorities having jurisdiction and with part 1315.0200, which incorporates the National Electrical Code.

Subp. 3. **Pumps for gravity distribution.** If a pump is used to lift effluent into a gravity distribution system, items A to C apply.

A. The pump must discharge at least ten gallons per minute but no more than 45 gallons per minute.

B. The pump must be constructed and fitted with sound, durable, and corrosion-resistant materials.

C. The pump must have sufficient dynamic head for both the elevation difference and friction loss.

Subp. 4. **Pumps for pressure distribution.** Pumps for pressure distribution must meet the requirements in items A to D.

A. Pumps must be constructed and fitted with sound, durable, and corrosion-resistant materials.

B. The pump discharge capacity must be based on the perforation discharges for a minimum average head of 1.0 foot. Perforation discharge is determined by the following formula:

$$Q = 19.65 \text{ cd}^2 \text{ h}^{1/2}$$

where: Q = discharge in gallons per minute

c = 0.60 = coefficient of discharge

d = perforation diameter in inches

h = head in feet.

C. The pump discharge head must be at least five feet greater than the head required to overcome pipe friction losses and the elevation difference between the pump and the distribution device.

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D. The quantity of effluent delivered for each pump cycle must be no greater than 25 percent of the average daily flow.

## 7080.2150 TREATMENT AND DISPERSAL.

Subpart 1. **General.** Treatment and dispersal of all sewage for new construction or replacement ISTS must be in compliance with this part and parts 7080.2200 to 7080.2400 as adopted into local ordinances.

Subp. 2. **General technical requirements for all systems.** All new construction or replacement ISTS must be designed to meet or exceed the provisions in items A to G.

A. All treatment and dispersal methods must be designed to conform to all applicable federal, state, and local regulations.

B. Treatment and dispersal processes must prevent sewage or sewage effluent contact with humans, insects, or vermin.

C. Treatment and dispersal of sewage or sewage effluent must be in a safe manner that adequately protects from physical injury or harm.

D. An unsaturated zone in the soil must be maintained between the bottom of the soil treatment and dispersal system and the seasonally saturated soil or bedrock during loading of effluent.

E. Local units of government may also require additional standards for local resource protection, such as limits for nitrogen and phosphorus compounds.

F. Soil treatment and dispersal systems must not be designed in floodways. Soil treatment and dispersal systems installed in flood fringes must meet the requirements in part 7080.2270. Soil treatment and dispersal systems should not be placed in areas subject to excessive run-on. All soil treatment systems located in areas subject to excessive run-on must have a diversion constructed upslope from the system.

G. ISTS components must be set back as specified in Table VII. This chapter does not require a setback to a wetland, but a local setback may exist.

TABLE VII  
MINIMUM SETBACK DISTANCES (FEET)

	Feature holding tank, or sealed privy	Sewage tank, area or unsealed privy	Absorption sewer or supply pipes	Building
Water supply wells	*	*	*	-
Buried water lines	*	*	*	-
Buildings**	10	20		
Property lines***	10	10		
Ordinary high water level of public waters	****	****		

\* Setbacks from buried water lines and water supply wells 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 no component of an ISTS may be located under or within the structure or other impermeable surface.

\*\*\* Infringement on property line setbacks must be made through accepted local procedures.

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

Subp. 3. **Other technical requirements for systems.** Requirements in items A to K will be required for specific designs as determined in parts 7080.2200 to 7080.2400.

A. Employ components registered under part 7080.1600 that are installed, used, and operated according to conditions placed on registration.

B. Employ structural components and joint sealants that meet or exceed a 25-year design life.

C. Systems must not be designed, installed, or operated to exceed the loadings in part 7081.0270, subpart 6, as published in the *State Register*, volume 31, page 1077, and as subsequently adopted.

D. For acceptable treatment of septic tank effluent by soil, the soil treatment and dispersal systems must meet the requirements of subitems (1) and (2).

(1) A minimum three-foot vertical soil treatment and dispersal zone shall be designed below the distribution media that meets the criteria in units (a) to (c):

(a) the zone must be above the seasonally saturated soil and bedrock. The zone must be continuous and not be interrupted by seasonal zones of saturation;

(b) any soil layers with a sizing classification of 1 in Table IX in item F must not be credited as part of the necessary three-foot zone;

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and

(c) the entire treatment zone depth must be within seven feet from final grade.

(2) The distribution system must not place a hydraulic head greater than 30 inches over the treatment zone.

E. The system's absorption area must be original soil.

F. The system's absorption area must be sized according to Table IX.

TABLE IX  
SOIL SIZING FACTORS FOR DETERMINING BOTTOM AREA FOR  
TRENCHES AND SEEPAGE BEDS USING DETAILED SOIL  
DESCRIPTIONS OR PERCOLATION TEST AND ABSORPTION RATIOS FOR  
DETERMINING MOUND ABSORPTION AREAS USING DETAILED SOIL

<u>Sizing classification</u>	<u>Soil texture</u>	<u>Soil structure*</u>	<u>Percolation rate (minutes per inch)</u>	<u>Soil sizing factor (square feet of trench or seepage bed bottom per gallon of average design flow per day)</u>	<u>Absorption ratio for mounds</u>
1	Coarse sand	Single grain	faster than 0.1	.83	1.0
2	Medium sand, loamy sand*	Single grain	0.1 to 5	.83	1.0
3	Fine sand, loamy fine sand	Single grain	0.1 to 5	1.67	1.0
4	Sandy loam	Weak to strong	6 to 15	1.27	1.5
5	Sandy loam	Massive or platy	16 to 30	1.67	2.0
6	Loam	Moderate to strong	16 to 30	1.67	2.0
7	Loam	Weak or platy	31 to 45	2.0	2.4
8	Loam	Massive	46 to 60	2.2	3.0
9	Silt loam	Moderate to strong	31 to 45	2.0	2.4
10	Silt	Weak or	46 to 60	2.2	3.0

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	<u>loam</u>	<u>platy</u>			
<u>11</u>	<u>Silt loam</u>	<u>Massive</u>	<u>61 to 85</u>	<u>3.0</u>	<u>3.6</u>
<u>12</u>	<u>Sandy clay loam, clay loam, silty clay loam</u>	<u>Moderate to strong</u>	<u>46 to 60</u>	<u>2.2</u>	<u>2.6</u>
<u>13</u>	<u>Sandy clay loam, clay loam, silty clay loam</u>	<u>Weak or platy</u>	<u>61 to 85</u>	<u>3.0</u>	<u>3.8</u>
<u>14</u>	<u>Sandy clay loam, clay loam, silty clay loam</u>	<u>Massive</u>	<u>121 or slower</u>		
<u>15</u>	<u>Sandy clay, clay, silty clay</u>	<u>Strong</u>	<u>86 to 120</u>	<u>4.2</u>	<u>5.0</u>
<u>16</u>	<u>Sandy clay, clay, silty clay</u>	<u>Weak to moderate, massive, or platy</u>	<u>121 or slower</u>		

\* The soil structure must have a moist consistency of loose, very friable, friable, or firm as determined by the Field Book for Describing and Sampling Soils, which is incorporated by reference under part 7080.1100, subpart 40.

G. If drainfield rock medium is employed, a durable, nonwoven geotextile fabric must be used to cover the distribution rock medium. The fabric must be of sufficient strength to undergo installation without rupture. The fabric must permit passage of water without passage of overlying soil material into the rock medium.

H. All excavation into the absorption area, or surface preparation of the upper 12 inches of absorption area, must be in a manner to expose the original soil structure in an unsmearred and uncompacted condition. Excavation is only allowed when the soil moisture content is at or less than the plastic limit and is not frozen or freezing.

I. Excavation equipment or other vehicles must not be driven on the excavated or prepared absorption area. Foot traffic on these areas must be minimized and not cause undue compaction. The exposed areas must be immediately covered with media or the designed coverage

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materials. If the areas are exposed to direct rainfall, they must be allowed to dry and must be re-prepared according to item H.

J. A minimum of six inches of topsoil borrow shall be placed over the system.

K. A close-growing, vigorous vegetative cover must be established over the soil treatment and dispersal system and other vegetatively disturbed areas. The sodding, seeding, or other vegetation establishment shall begin immediately after the placement of the topsoil borrow. The soil treatment and dispersal system must be protected from erosion and excessive frost until a vegetative cover is established. The vegetative cover established must not interfere with the hydraulic performance of the system and shall provide adequate frost and erosion protection. Trees, shrubs, deep-rooted plants, or hydrophilic plants should not be planted on the system.

## **7080.2200 TYPE I SYSTEMS.**

Systems designed according to parts 7080.2200 to 7080.2240 are considered Type I systems.

## **7080.2210 TRENCHES AND SEEPAGE BEDS.**

Subpart 1. **Characteristics.** To qualify as a trench or seepage bed system, the system must meet or exceed the requirements of items A to E:

A. employ flow values in part 7080.1850;

B. meet or exceed applicable technical requirements of parts 7080.1900 to 7080.2030, 7080.2050, and 7080.2100;

C. provide flow measurement if a pump is to be employed;

D. meet or exceed the requirements of part 7080.2150, subparts 2 and 3; and

E. meet the requirements of subparts 2 to 4.

Subp. 2. **Seepage bed construction.** Seepage bed construction must be limited to areas having natural slopes of less than six percent. Seepage beds and trenches must not be placed in soils with a sizing classification of 13 to 16 on Table IX in part 7080.2150, subpart 3, item F.

Subp. 3. **Sizing of trenches and seepage beds.**

A. The system's proposed absorption area must meet sizing classifications 2 to 10 or 12 on Table IX in part 7080.2150, subpart 3, item F. The trench bottom area is calculated by multiplying the average daily flow by the appropriate soil sizing factor in Table IX in part 7080.2150, subpart 3, item F. If gravity distribution is used in seepage beds, the seepage bed absorption area is calculated by multiplying the average daily flow by the soil sizing factor in Table IX in part 7080.2150, subpart 3, item F, multiplied by 1.5. If pressure distribution is used in seepage beds, the seepage bed absorption area is determined by multiplying the soil sizing factor in Table IX in part 7080.2150, subpart 3, item F, by the average daily flow.

B. The minimum sidewall absorption shall be six inches. The bottom absorption area may be reduced, for trenches only, by 20 percent for loading 12 inches of sidewall absorption below the distribution pipe, 34 percent for 18 inches, and 40 percent for 24 inches. Reductions may be interpolated for other depths of sidewall absorption.

Subp. 4. **Design and construction of trenches and seepage beds.**

A. Trenches must be no more than 36 inches wide. Any excavation wider than 36 inches shall be considered a seepage bed. No seepage bed may be wider than 12 feet if gravity distribution is used and 25 feet if pressure distribution is used. Natural, undisturbed soil must exist between multiple trenches. Multiple seepage beds must be spaced at one-half the bed width. Multiple units may need to be designed based on linear loading rates as described in part 7080.2220, subpart 3, item B.

B. A vertical inspection pipe at least 1-1/2 inches in diameter must be installed and secured in the distribution medium of every trench or seepage bed. The inspection pipe must be located at an end opposite from where the sewage tank effluent enters the medium. The inspection pipe must have three-eighths inch or larger perforations spaced vertically no more than six inches apart. At least two perforations must be located in the distribution medium. No perforations may be located above the geotextile cover or wrap. The inspection pipe must extend to the bottom of the distribution medium, be secured, and be capped flush with or above finished grade.

C. The top and bottom of the distribution medium must be level in all directions. Sidewalls must be as vertical as practical and not intentionally sloped.

D. The minimum depth of soil cover, including topsoil borrow, over the distribution medium is 12 inches.

E. Trenches or seepage beds must be backfilled and crowned above finished grade to allow for settling. The top six inches of the backfill must have the same texture as the adjacent soil.

## **7080.2220 MOUNDS.**

Subpart 1. **Mound system requirements.** To qualify as a mound system, the system must meet or exceed the following requirements:

A. employ flow values in part 7080.1850;

B. meet or exceed applicable technical requirements of parts 7080.1900 to 7080.2030, 7080.2050, and 7080.2100;

C. meet or exceed the requirements of part 7080.2150, subparts 2 and 3;

D. employ flow measurement; and

E. meet the requirements of subparts 2 and 3.

**Subp. 2. Location of mounds.**

A. The upper 12 inches of the original soil absorption area must be in soil sizing categories 1 to 13 or 15 in Table IX in part 7080.2150, subpart 3, item F. The upper 12 inches of the absorption area must also be above the seasonally saturated soil or bedrock.

B. Setbacks must be according to Table VII in part 7080.2150, subpart 2, item G. Setbacks must be measured from the original soil absorption area.

C. On slopes of one percent or greater and where the original soil absorption area sizing classification is 11, 13, or 15 in Table IX in part 7080.2150, subpart 3, item F, mounds must not be located where the ground surface contour lines that lie directly below the long axis of the rock bed represent a swale or draw, unless the contour lines have a radius of curvature greater than 100 feet. Mounds must never be located in swales or draws where the radius of curvature of the contour lines is less than 50 feet.

**Subp. 3. Mound design and construction.**

A. The mound bed absorption area consists of bottom area only and must be calculated by multiplying the average daily flow by 0.83 square feet per gallon per day.

B. The mound bed absorption area must be as long and narrow as practical. Mound absorption beds must be no wider than ten feet. Mound bed absorption widths must be determined by relationship between the vertical and horizontal water movement based on the following soil conditions:

(1) the permeability difference between the original soil absorption area and slower permeability horizons below the original soil absorption area;

(2) the depth between the original soil absorption area and the change in permeability described in subitem (1); and

(3) the land slope.

C. Clean sand must be used to elevate the mound bed absorption area and must consist of sound, durable material that conforms to the following requirements:

Sieve Size    Percent Passing

<u>No. 4</u>	<u>95-100</u>
<u>No. 8</u>	<u>80-100</u>
<u>No. 10</u>	<u>0-100</u>
<u>No. 40</u>	<u>0-100</u>
<u>No. 60</u>	<u>0-40</u>
<u>No. 200</u>	<u>0-5</u>

Clean sand must also contain less than three percent deleterious substances and be free of organic impurities.

D. The original soil absorption area is determined by multiplying the original soil absorption length by the original soil absorption width. The original soil absorption width is calculated by multiplying the mound bed absorption width by the absorption ratio. The absorption ratio of the upper 12 inches of soil in the proposed absorption area shall be determined according to Table IX in part 7080.2150, subpart 3, item F.

E. The required original soil absorption width for mounds constructed on slopes from zero to one percent must be centered under the mound bed absorption width. The required original soil absorption width for mounds constructed on slopes greater than one percent must be measured downslope from the upslope edge of the mound bed absorption width and measured in the direction of the original land slope and perpendicular to the original contours.

F. The side slopes on the mound must not be steeper than three horizontal units to one vertical unit and shall extend beyond the required original soil absorption area, if necessary.

G. Distribution of effluent over the mound absorption bed must be by level perforated pipe under pressure according to parts 7080.2050 and 7080.2100.

H. The supply pipe from the pump to the original soil absorption area must be installed before surface preparation of the original soil absorption area. The trench excavated for the supply pipe must be carefully backfilled and compacted to prevent seepage of effluent.

I. Vegetation in excess of two inches in length and dead organic debris including leaf mats must be removed from the original soil absorption area. Trees must be cut nearly flush with the ground and stumps must not be removed.

J. The original soil absorption area must be roughened by backhoe teeth, moldboard, or chisel plow. The soil must be roughened to a depth of eight inches. Discing is allowed if the upper eight inches of soil has a texture of sandy loam or coarser. If plowed, furrows must be thrown uphill and there must not be a dead furrow in the original soil absorption area. A rubber-tired tractor may be used for plowing or discing. Rototilling or pulverizing the soil is not allowed. The original soil must not be excavated or moved more than one foot from its original location during soil surface preparation.

K. Prior to placement of six inches of clean sand, no vehicle may be driven on the original soil absorption area before or after the surface

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preparation is completed. The clean sand must immediately be placed on the prepared surface.

L. The clean sand must be placed by using a construction technique that minimizes compaction. If the clean sand is driven on for construction, a crawler or track-type tractor must be used. At least six inches of sand must be kept beneath equipment to minimize compaction of the prepared surface.

M. A minimum of 12 inches of clean sand must be placed in contact with the bottom area of the mound bed absorption area and must be uniformly tapered to cover the entire original soil absorption area. Other sandy materials may be used outside of this area to complete construction of the mound.

N. The top of the clean sand layer upon which the mound bed absorption area is placed must be level in all directions.

O. A vertical inspection pipe at least 1-1/2 inches in diameter must be installed and secured at the distribution medium and sand interface. The inspection pipe must have three-eighths inch or larger perforations spaced vertically no more than six inches apart. At least two perforations must be located in the distribution medium. No perforation may be located above the permeable synthetic fabric, if used. The inspection pipe must extend to the bottom of the distribution medium, be secured, and be capped, flush with or above finished grade.

P. On slopes of one percent or greater, the upslope edge of the mound absorption bed must be placed on the contour.

Q. The mound absorption bed must completely encase the top and sides of the distribution pipes to a depth of at least one inch above the pipe. The mound absorption bed must extend six inches below the pipe. The sidewalls of the mound absorption bed must be as vertical as practical and not intentionally sloped.

R. The top of the mound absorption bed must be level in all directions.

S. A minimum of six inches of sandy to loamy soil material must be placed on the top of the mound absorption bed and sloped upwards toward the center of the mound a minimum of ten horizontal units to one vertical unit.

T. Construction vehicles must not be allowed on the distribution media until backfill is placed as described in item S.

U. A minimum of six inches of topsoil borrow must be placed over the entire mound.

## **7080.2230 AT-GRADE SYSTEMS.**

**Subpart 1. Atgrade system.** To qualify as an atgrade system, the system must meet or exceed the following requirements:

A. employ flow values in part 7080.1850;

B. meet or exceed applicable technical requirements of parts 7080.1900 to 7080.2030, 7080.2050, and 7080.2100;

C. meet or exceed the requirements of part 7080.2150, subparts 2 and 3;

D. employ flow measurement; and

E. meet the requirements of subparts 2 and 3.

**Subp. 2. Location of atgrade systems.**

A. The upper 12 inches of the absorption area must be original soil with a sizing classification of 2 to 10 or 12 as shown in Table IX in part 7080.2150, subpart 3, item F.

B. At-grade systems must not be installed in areas with slopes greater than 25 percent.

C. Setbacks must be according to part 7080.2150, subpart 2, item G. Setbacks must be measured from the absorption area.

**Subp. 3. Design and construction of atgrade systems.**

A. The at-grade bed absorption width must be determined according to part 7080.2220, subpart 3, item B, and must not exceed a width of 15 feet. The at-grade bed absorption width for slopes of one percent or greater does not include any width of the media necessary to support the upslope side of the pipe.

B. The at-grade absorption length must be calculated by multiplying the soil sizing factor found in Table IX in part 7080.2150, subpart 3, item F, for the upper 12 inches of soil by the average daily flow and dividing by the absorption bed width.

C. At-grade systems must employ pressurized distribution by meeting or exceeding the applicable requirements of parts 7080.2050 and 7080.2100. At-grade systems located on slopes of one percent or greater require only one distribution pipe located on the upslope edge of the distribution media, with the absorption bed width being measured from the distribution pipe to the downslope edge of the media. Multiple distribution pipes may be used to provide even distribution, if necessary, based on site conditions.

D. The upslope edge of an at-grade absorption bed must be installed along the natural contour.

E. The absorption bed must completely encase the top and sides of the distribution pipe to a depth of at least two inches above the pipe. There must be at least six inches from the bottom of the pipe to the absorption area.

F. At-grade materials must be placed by using construction techniques that minimize compaction.

G. Six inches of loamy or sandy cover material must be installed over the distribution media. Cover must extend at least five feet from the ends of the rock bed and be sloped to divert surface water. Side slopes must not be steeper than four horizontal units to one vertical unit. Six inches of topsoil borrow must be placed on the cover material.

H. Three vertical inspection pipes of at least 1.5 inches in diameter must be installed and evenly spaced along the downslope portion of the absorption bed. The inspection pipes must have three-eighths inch or larger perforations spaced vertically no more than six inches apart. No perforations may exist above the distribution medium. The inspection pipes must extend to the absorption bed/soil interface

and must be secured and capped flush with or above finished grade.

## **7080.2240 GREYWATER SYSTEMS.**

Subpart 1. General. To qualify as a greywater system, the system must meet or exceed the following requirements:

- A. employ 60 percent of the flow values in part 7080.1850;
- B. meet or exceed applicable technical requirements of parts 7080.1900 to 7080.2030, 7080.2050, and 7080.2100, except as modified in this part;
- C. provide flow measurement if a pump is to be employed;
- D. meet or exceed the requirements of parts 7080.2210 to 7080.2230;
- E. meet or exceed applicable requirements of part 7080.2150, subparts 2 and 3; and
- F. meet the requirements of subparts 2 and 3.

Subp. 2. Toilet waste. No toilet waste may enter a greywater system.

Subp. 3. Sewage tank. Greywater septic tanks must meet the requirements of part 7080.1900, except that the liquid capacity of a greywater septic tank serving a dwelling must be based on the number of bedrooms existing and anticipated in the dwelling served and shall be at least as large as the capacities given in Table X.

<u>Number of bedrooms</u>	<u>Tank liquid capacity (gallons)</u>
<u>3 or less</u>	<u>750</u>
<u>4 or 5</u>	<u>1,000</u>
<u>6 or 7</u>	<u>1,250</u>
<u>8 or 9</u>	<u>1,500</u>

For ten or more bedrooms, the greywater septic tank shall be sized as:  $(1,500 + ((\# \text{ or bedrooms} - 9) \times 150))$ .

## **7080.2250 TYPE II SYSTEMS.**

Systems designed according to parts 7080.2260 to 7080.2290 are considered Type II systems.

## **7080.2260 RAPIDLY PERMEABLE SOILS.**

Subpart 1. General. A system must be designed under this part if the soil in the proposed absorption area, or within three vertical feet of the absorption area, has a system sizing factor of 1 to 3 in Table IX in part 7080.2150, subpart 3, item F. The system must meet or exceed the following requirements:

- A. employ the design flow values in part 7080.1850;
- B. meet or exceed applicable technical requirements of parts 7080.1900 to 7080.2030, 7080.2050, and 7080.2100, except as modified in this part;
- C. provide flow measurement if a pump is to be employed;
- D. meet or exceed the requirements of parts 7080.2210 to 7080.2230;
- E. meet or exceed applicable requirements of part 7080.2150, subparts 2 and 3, except as modified in this part; and
- F. meet the requirements of subparts 2 and 3.

Subp. 2. Contact with soil. The distribution media must not be in contact with soils with a sizing classification of 1 as listed in Table IX in part 7080.2150, subpart 3, item F.

Subp. 3. Treatment techniques. If the distribution media is in contact with soil with a sizing classification of 2 or 3 in Table IX in part 7080.2150, subpart 3, item F, one of the following treatment techniques must be used:

- A. employ pressure distribution as specified in part 7080.2050, subpart 4; or
- B. divide the total soil treatment and dispersal system into at least four parts with no part larger than 25 percent of the area required by part 7080.2210, subpart 3, item A, with the parts constructed for serial distribution.

## **7080.2270 FLOODPLAIN AREAS.**

Subpart 1. General. ISTS must be designed under this part if the system is proposed to be located in a floodplain. A system located in a floodplain must meet or exceed the following requirements:

- A. employ flow values in part 7080.1850;
- B. meet or exceed applicable technical requirements of parts 7080.1900 to 7080.2030, 7080.2050, and 7080.2100, except as modified in this part;
- C. provide flow measurement if a pump is to be employed;

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D. meet or exceed the requirements of parts 7080.2210 to 7080.2230;

E. meet or exceed applicable requirements of part 7080.2150, subparts 2 and 3, except as modified in this subpart; and

F. meet the requirements of subparts 2 to 11.

**Subp. 2. State and local requirements.** The allowed use of systems in floodplains must be according to state and local floodplain requirements.

**Subp. 3. Location of system.** An ISTS must not be located in a floodway and, whenever possible, placement within any part of the floodplain should be avoided. If no alternative exists, a system may be placed within the flood fringe if the requirements in subparts 4 to 9 are met.

**Subp. 4. Openings.** There must be no inspection pipe or other installed opening from the distribution media to the soil surface.

**Subp. 5. Highest ground.** An ISTS must be located on the highest feasible area of the lot and must have location preference over all other improvements except the water supply well. If the ten-year flood data are available, the bottom of the distribution media must be at least as high as the elevation of the ten-year flood.

**Subp. 6. Pump.** If a pump is used to distribute effluent to the soil treatment and dispersal system, provisions shall be made to prevent the pump from operating when inundated with floodwaters.

**Subp. 7. Raising elevation.** When it is necessary to raise the elevation of the soil treatment system to meet the vertical separation distance requirements, a mound system as specified in part 7080.2220 may be used with the following additional requirements:

A. the elevation of the bottom of the mound bed absorption area must be at least one-half foot above the ten-year flood elevation if ten-year flood data are available;

B. inspection pipes must not be installed unless the top of the mound is above the 100-year flood elevation; and

C. the placement of clean sand and other fill must be done according to any community-adopted floodplain management ordinance.

**Subp. 8. Inundation of top.** When the top of a sewage tank is inundated, the dwelling must cease discharging sewage into it.

**Subp. 9. Backflow.** Backflow prevention of liquid into the building when the system is inundated must be provided. If a holding tank is used, the system must be designed to permit rapid diversion of sewage into the holding tank when the system is inundated.

**Subp. 10. Holding tank.** If a holding tank is used to serve a dwelling, the holding tank's liquid capacity must equal 100 gallons times the number of bedrooms times the number of days between the ten-year stage on the rising limb of the 100-year flood hydrograph and the ten-year stage on the falling limb of the hydrograph, or 1,000 gallons, whichever is greater. The holding tank must be accessible for removal of tank contents under flooded conditions.

**Subp. 11. Water level above top.** Whenever the water level has risen above the top of a sewage tank, the tank must be pumped to remove all solids and liquids after the flood has receded and before use of the system is resumed.

## **7080.2280 PRIVIES.**

A. To qualify as a privy, the system must:

(1) meet or exceed the requirements of part 7080.2150, subpart 2;

(2) have soil beneath the bottom of the pit that meets or exceeds the requirements of part 7080.2150, subpart 3, item D, or employ a watertight tank meeting applicable requirements of parts 7080.1900 to 7080.2030; and

(3) meet the requirements of items B to E.

B. Pits or vaults must have sufficient capacity for the dwelling they serve, but must have at least 25 cubic feet of capacity.

C. The sides of the pit must be curbed to prevent cavein.

D. The privy must be easily maintained and insect proof. The door and seat must be self-closing. All exterior openings, including vent openings, shall be screened.

E. Privies must be adequately vented.

## **7080.2290 HOLDING TANKS.**

A. To qualify as a holding tank, the system must:

(1) meet or exceed applicable requirements of parts 7080.1900 to 7080.2030;

(2) meet or exceed the applicable requirements of part 7080.2150, subpart 2;

(3) meet or exceed the requirements of part 7080.2150, subpart 3, item B; and

(4) meet the requirements of items B to E.

B. All tanks used as holding tanks must be tested for watertightness as specified in part 7080.2010, subpart 3.

C. A cleanout pipe of at least six inches in diameter must extend to the ground surface and be provided with seals to prevent odor emissions and exclude insects and vermin. A maintenance hole of at least 20 inches in least dimension must extend through the cover to a point within 12 inches, but no closer than six inches, below finished grade. If the maintenance hole is covered with less than six inches of soil, the cover must be secured according to part 7080.1970.

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D. For a dwelling, the minimum size is 1,000 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum capacity shall be at least five times the average daily flow. Tank sizing for floodplain areas must be calculated according to part 7080.2270, subpart 10.

E. Holding tanks must be located in an area readily accessible to the pump truck under all weather conditions and where accidental spillage during pumping will not create a nuisance and must meet the setback requirements as specified in Table VII in part 7080.2150, subpart 2, item G.

F. Holding tanks must have an alarm device to minimize the chance of accidental sewage overflows unless regularly scheduled pumping is used. An alarm device shall identify when the holding tank is at 75 percent capacity.

## 7080.2300 TYPE III SYSTEMS.

A system designed according to this part is considered a Type III system. The system must:

- A. employ design flow values in part 7080.1850;
- B. meet or exceed applicable technical requirements of part 7080.2050, subpart 4, item A;
- C. provide flow measurement;
- D. meet or exceed the requirements of part 7080.2150, subpart 2; and
- E. meet or exceed the requirements of part 7080.2150, subpart 3, items A, B, D, and K.

If the site cannot accommodate a soil treatment and dispersal system sized in accordance with Table IX in part 7080.2150, subpart 3, item F, a smaller soil treatment and dispersal system may be constructed that employs flow restriction devices that do not allow loadings in excess of those in Table IX of part 7080.2150, subpart 3, item F.

## 7080.2350 TYPE IV SYSTEMS.

Subpart 1. **General.** A system designed according to this part is considered a Type IV system. The system must:

- A. employ design flow values in part 7080.1850;
- B. meet or exceed applicable technical requirements of parts 7080.1900 to 7080.2030, 7080.2050, and 7080.2100;
- C. meet or exceed the requirements of part 7080.2150, subpart 2;
- D. meet or exceed the requirements of part 7080.2150, subpart 3, item A; and
- E. meet or exceed the requirements of Tables XI and XII in subparts 2 and 3.

Subp. 2. **Table XI.**

Vertical separation (inches)	TABLE XI TREATMENT COMPONENT PERFORMANCE LEVELS AND METHOD OF DISTRIBUTION BY SOIL GROUP <sup>1</sup>		
	Soil group		
1,2	36	7,8	
12 < 18	Treatment Level A Pressure Distribution Timed Dosing	Treatment Level B Pressure Distribution Timed Dosing	Treatment Level B Pressure Distribution Timed Dosing
≥ 18 < 24	Treatment Level B Pressure Distribution Timed Dosing	Treatment Level B Pressure Distribution Timed Dosing	Treatment Level B Pressure Distribution Distribution
≥ 24 < 36	Treatment Level B Pressure Distribution Timed Dosing	Treatment Level C Pressure Distribution Distribution	Treatment Level C Pressure Distribution Distribution

<sup>1</sup> The treatment component performance levels correspond with those established for treatment components under the product testing requirements in Table III in part 7080.1620.

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Subp. 3. Table XII.

TABLE XII SOIL GROUPING DESCRIPTIONS AND MAXIMUM HYDRAULIC LOADING RATE TO THE ABSORPTION AREA				
<u>Soil group</u>	<u>Soil texture</u>	<u>Soil structure (type)</u>	<u>Soil structure (grade)</u>	<u>Minimum soil sizing factor (ft<sup>2</sup>/ gal./day)</u>
1	<u>Coarse sands, medium sands, loamy coarse sands, loamy medium sands</u>	<u>Single grain</u>	<u>Structureless</u>	<u>0.63</u>
2	<u>Fine sands, very fine sands, loamy fine sands, loamy very fine sands</u>	<u>Single grain</u>	<u>Structureless</u>	<u>1.0</u>
3	<u>Coarse sandy loam, sandy loam</u>	<u>Massive</u>	<u>Structureless</u>	<u>1.67</u>
		<u>Platy</u>	<u>Weak, moderate, strong</u>	<u>2.0</u>
		<u>Prismatic, blocky, granular</u>	<u>Weak</u>	<u>1.42</u>
			<u>Moderate, strong</u>	<u>1.0</u>
4	<u>Fine sandy loam, very fine sandy loam</u>	<u>Massive</u>	<u>Structureless</u>	<u>2.0</u>
		<u>Platy</u>	<u>Weak, moderate, strong</u>	
		<u>Prismatic, blocky, granular</u>	<u>Weak</u>	<u>1.67</u>
			<u>Moderate, strong</u>	<u>1.25</u>
5	<u>Loams</u>	<u>Massive</u>	<u>Structureless</u>	<u>2.0</u>
		<u>Platy</u>	<u>Weak, moderate, strong</u>	
		<u>Prismatic, blocky, granular</u>	<u>Weak</u>	<u>1.67</u>
			<u>Moderate, strong</u>	<u>1.25</u>
6	<u>Silt loams</u>	<u>Massive</u>	<u>Structureless</u>	<u>5.0</u>
		<u>Platy</u>	<u>Weak, moderate, strong</u>	

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		Prismatic, blocky, granular	Weak	1.67
			Moderate, strong	1.25
7	Sandy clay loams, clay loams, silty clay loams	Massive	Structureless	
		Platy	Weak, moderate, strong	
		Prismatic, blocky, granular	Weak	3.33
			Moderate, strong	1.67
8	Sandy clay, clay, silty clays	Massive	Structureless	
		Platy	Weak, moderate, strong	
		Prismatic, blocky, granular	Weak	3.33
			Moderate, strong	3.33

## 7080.2400 TYPE V SYSTEMS.

A system designed according to this part is considered a Type V system. The system must:

A. employ design flow values in part 7080.1850;

B. meet or exceed the requirements of part 7080.2150, subpart 2; and

C. be designed with a vertical separation that ensures adequate sewage treatment and dispersal. Design factors to consider include, but are not limited to, effluent quality, loading rates, loading methods, and soil conditions.

ISTS must not contaminate underground waters or zones of seasonal saturation with viable fecal organisms.

## 7080.2430 REPORTING.

Phase II design reports must include drawings, design flows, system component sizing and calculations, hydraulic and organic loading rates, setbacks, construction considerations, and management plans as described in part 7082.0600, subpart 1, as published in the *State Register*, volume 31, page 1085, and as subsequently adopted, and a certified statement.

## 7080.2450 MAINTENANCE.

Subpart 1. **General.** All ISTS must be operated under the regulatory requirements of part 7082.0600, as published in the *State Register*, volume 31, page 1085, and as subsequently adopted. ISTS and all components must be maintained in compliance with this chapter and manufacturer requirements. Subparts 2, item A, and 6 are intended to apply to ISTS and systems that do not qualify as an ISTS, but receives sewage such as cesspools, drywells, leaching pits, or other pits.

Subp. 2. **Frequency of assessment.** The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years:

A. assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects; and

B. measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.

Subp. 3. **Removal of material.**

A. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole.

B. Removal of accumulated sludge, scum, and liquids from septic tanks and dosing chambers must be through the maintenance hole, except for holding tanks that can be pumped through the cleanout pipe.

C. If no maintenance hole exists on a sewage tank that is perceived to be watertight below the designed operating depth, the owner or the owner's agent shall install one or more maintenance holes in sewage tanks according to part 7080.1970 to allow for maintenance to take place through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method (Cite 31 SR 1061)

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of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan.

D. After removal of solids and liquids, the system shall be brought into compliance with part 7080.1970, items B and C. Covers secured by screws shall be refastened in all screw openings.

E. Dosing chambers must be maintained according to this part. Sludge must be removed if within one inch of the pump intake.

#### Subp. 4. Toilet waste treatment devices and privies.

A. For primitive dwellings using toilet waste treatment devices in low dwelling density areas, septage disposal from these devices by the owner must be in accordance with local ordinances. If no ordinance exists, the septage must not be discharged to surface waters, drainageways, steeply sloping areas, or wet areas in a manner or volume that is harmful to the environment or public health or that creates a nuisance. The material must be buried or covered with soil. For site conditions not met in this subpart, the solids disposal from toilet waste treatment devices shall be according to subpart 6 by a licensed maintenance business.

B. When the privy is filled to one-half of its capacity, the solids must be removed. Abandoned pits must have the sewage solids and contaminated soil removed and must be filled with clean earth and slightly mounded to allow for settling. Removed solids shall be disposed of according to subpart 6.

Subp. 5. **Additives.** ISTS additives, which are products added to the sewage or to the system with the intent to lower the accumulated solids in sewage, must not be used as a means to reduce the frequency of proper maintenance and removal of sewage solids from the sewage tanks as specified in this part. The use of additives does not fulfill the solids removal requirement of this part or a management plan. ISTS additives that contain hazardous materials must not be used in an ISTS.

Subp. 6. **Septage disposal.** Septage or any waste mixed with septage must be disposed of in accordance with state, federal, or local requirements for septage and other wastes. If septage is disposed of into a municipal sewage treatment facility, a written agreement must be provided between the accepting facility and the maintenance business.

Subp. 7. **Use of soil treatment site.** Activities on the current soil treatment and dispersal system or the reserve soil treatment and dispersal area as specified in part 7082.0100, subpart 3, item B, subitem (5), as published in the *State Register*, volume 31, page 1083, and as subsequently adopted, that may impair the current or future treatment abilities or hydraulic performance of the soil treatment and dispersal system are prohibited. This includes, but is not limited to, covering all or part of the soil treatment system with an impermeable surface as determined by the local unit of government.

Subp. 8. **System remediation.** Any maintenance activity used to increase the acceptance of effluent to a soil treatment system must:

A. not be used on a system failing to protect groundwater unless the activities meet the requirements of parts 7080.2350 and 7080.2400;

B. not cause preferential flow from the soil treatment and dispersal system bottom to the seasonally saturated soil or bedrock; and

C. be conducted by an appropriately certified qualified employee or an appropriately licensed business as specified in chapter 7083, as published in the *State Register*, volume 31, page 1088, and as subsequently adopted.

Any substance added with the intent to increase the infiltration rate of the soil treatment and dispersal system must not contain hazardous substances.

## 7080.2500 SYSTEM ABANDONMENT.

Subpart 1. **Tank abandonment.** All systems with no future intent for use must be abandoned according to this part. Tank abandonment procedures for sewage tanks, cesspools, leaching pits, drywells, seepage pits, vault privies, pit privies, and distribution devices must meet the requirements in items A to C.

A. All solids and liquids must be removed and disposed of according to part 7080.2450, subpart 6, by a licensed maintenance business.

B. All electrical devices and devices containing mercury must be removed and disposed of according to applicable regulations.

C. Abandoned tanks or any other underground cavities must be removed or remain in place and crushed with the remaining cavity filled with soil or rock material.

Subp. 2. **Future discharge.** Access for future discharge to the system must be permanently denied.

Subp. 3. **Removal of system.** If soil treatment and dispersal systems are removed, contaminated materials shall be properly handled to prevent human contact. Contaminated materials include distribution media, soil or sand within three feet of the system bottom, distribution pipes, tanks, and contaminated soil around leaky tanks. Contaminated material also includes any soil that received sewage from a surface failure. Contaminated materials must be disposed of according to items A to D.

A. Contaminated materials disposed of off-site must be disposed of according to part 7080.2450, subpart 6.

B. If contaminated material is to be spread or used on-site within one year of contact with sewage, the material must be placed in an area meeting the soil requirements described in part 7080.2150, subpart 3, item D, and the material must be covered with a minimum of six inches of uncontaminated soil and protected from erosion. After one year following contact with sewage, the material may be spread in any location, covered with a minimum of six inches of uncontaminated soil, and protected from erosion. After one year following contact with sewage, the material may be used to fill in the abandoned in-place sewage tanks.

C. Contaminated pipe, geotextile fabric, or other material must be dried and disposed of in a mixed municipal solid waste landfill.

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D. The person or business abandoning the system must complete and sign a record of abandonment that states the system was abandoned according to this part. The record must be sent to the local unit of government within 90 days of abandonment.

## **7080.2550 SEEPAGE PITS, DRYWELLS, AND LEACHING PITS.**

**Subpart 1. Intended use of this part.** This part must be used when conducting existing system compliance inspections. This part defines what constitutes seepage pit, drywell, or leaching pit systems. Seepage pit, drywell, or leaching pit systems are not considered compliant systems as determined in part 7080.1500, subpart 4, item B, but these existing systems may be allowed continued use under *Minnesota Statutes*, section 115.55, subdivision 5a, paragraph (f), by local units of government that have adopted alternative local standards for these systems under part 7082.0040, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted.

**Subp. 2. Requirements for seepage pits, drywells, and leaching pits.** A seepage pit, drywell, or leaching pit is a system that:

- A. has a sewage tank that does not obviously leak below the designed liquid capacity preceding the pit;
- B. has a pit that is not located in a geologic formation that is used as a source of drinking water;
- C. has at least three feet of vertical separation from the bottom of the pit to the seasonally saturated soil or bedrock;
- D. has an absorption area that has been determined by multiplying the average daily flow under Table IV in part 7080.1860 by the soil sizing factor under Table IX in part 7080.2150, subpart 3, item F, based on the weighted average of each vertical stratum penetrated by the seepage pit, drywell, or leaching pit;
- E. has a pit that has not been placed in a soil stratum with a sizing classification of 1 in Table IX in part 7080.2150, subpart 3, item F;
- F. has a pit with a minimum inside diameter of five feet; and
- G. meets all setback requirements.

**REPEALER.** *Minnesota Rules*, parts 7080.0010, 7080.0020, 7080.0025, 7080.0030, 7080.0060, 7080.0065, 7080.0110, 7080.0115, 7080.0120, 7080.0125, 7080.0130, 7080.0150, 7080.0160, 7080.0170, 7080.0172, 7080.0175, 7080.0176, 7080.0178, 7080.0179, 7080.0305, 7080.0310, 7080.0315, 7080.0600, 7080.0700, 7080.0705, 7080.0710, 7080.0715, 7080.0720, 7080.0800, 7080.0805, 7080.0810, 7080.0815, 7080.0820, 7080.0830, 7080.0850, 7080.0855, 7080.0860, 7080.0900, 7080.0920, and 7080.0950, are repealed.

**INCORPORATIONS BY REFERENCE:** Part 7080.1100, subpart 40: Field Book for Describing and Sampling Soils: Verson 2.0 (2002), developed by the National Soil Survey Center and Natural Resources Conservation Service of the United States Department of Agriculture, and subject to frequent change.

**Part 7080.1100, subpart 64:** American Society for Testing and Materials, Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils, ASTM D4318 (2005), and not subject to frequent change.

**Part 7080.1150, subpart 6:** Robert's Rules of Order Newly Revised, Henry M. Robert (2000), and not subject to frequent change.

**Part 7080.1600, subpart 2, item C:** National Sanitation Foundation (NSF) International, Residential Wastewater Treatment Systems, Standard 40 (July 2000); Environmental Protection Agency (EPA) and National Sanitation Foundation (NSF), Protocol for the Verification of Wastewater Treatment Technologies (April 2001); Environmental Protection Agency (EPA) Environmental Technology Verification (ETV) Program, Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction (November 2000); and European Committee for Standardization (CEN), Small Wastewater Treatment Systems for up to 50 PT - Part 3: Packaged and/or Site Assembled Domestic Wastewater Treatment Plants, EN 12566-3 (October 2003), and not subject to frequent change.

**Part 7080.1635, subpart 3, item E:** Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Environment Federation (1998), and subject to frequent change.

**Part 7080.1720, subpart 5, item 5, item B:** the Munsell Soil Color Charts, Revised Edition, Munsell Color Corporation (1992), or equivalent, and not subject to frequent change.

**Part 7080.1720, subpart 5, item E:** Field Indicators of Hydric Soils in the United States: Guide for Identifying and Delineating Hydric Soils, USDA Natural Resource Conservation Service (2003), and subject to frequent change.

**Part 7080.1980:** National Precast Concrete Association's best practices manual, Precast Concrete On-site Wastewater Tanks (2005) and International Association of Plumbing and Mechanical Officials (IAPMO), Material and Property Standard for Prefabricated Septic Tanks, Standard PS 1-2006 (2006), and not subject to frequent change.

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**Part 7080.2000:** American Society for Testing and Materials, Standard Specification for Resilient Connectors Between Reinforced Concrete Manhole Structure Pipes, and Laterals, ASTM C923 (2002), or equivalent; and American Society for Testing and Materials, Standard Specification for Joints for Concrete Pipe, Manholes, and Precast Box Sections Using Preformed Flexible Joint Sealants, ASTM C990 (2003), and not subject to frequent change.

**Part 7080.2050, subpart 2:** American Society for Testing and Materials (ASTM), Schedule 40 Pipe, contained in Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120, ASTM D1785 (2006); and American Society of Testing and Materials, Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications, ASTM D2321 (2005), and not subject to frequent change.

All of the above publications are available through the Minitex interlibrary loan system.

## Pollution Control Agency Proposed Permanent Rules Relating to Subsurface Sewage Treatment Systems

### CHAPTER 7081 POLLUTION CONTROL AGENCY MIDSIZED SUBSURFACE SEWAGE TREATMENT SYSTEMS

#### **7081.0010 PURPOSE AND INTENT.**

The proper location, design, installation, use, and maintenance of mid-sized subsurface sewage treatment systems (MSTS) protects the public health, safety, and general welfare by the discharge of adequately treated sewage to the groundwater. In accordance with the authority granted in *Minnesota Statutes*, chapters 103F, 103G, 115, and 116, the Pollution Control Agency, hereinafter referred to as the agency, provides minimum environmental protection standards for MSTS as defined in this chapter.

These standards shall be adopted countywide and administered and enforced by local units of government as directed by chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and *Minnesota Statutes*, section 115.55.

This chapter does not regulate subsurface treatment systems that do not receive sewage as defined in this chapter. If systems regulated under this chapter receive both sewage and nonsewage, the requirements of this chapter apply, plus any additional requirements governing the nonsewage portion of the wastewater.

This chapter does not contain design standards for sewage treatment systems that discharge to the ground surface or surface waters. Those systems require a National Pollution Discharge Elimination Systems permit.

Primarily, this chapter provides measurable performance outcomes for MSTS, but this chapter also includes limited design, construction, inspection, and operational standards that are believed to reasonably protect surface water, groundwater, public health, safety, general welfare, and the environment.

In conjunction with these standards, the agency encourages the use of advanced treatment methods and waste reduction to further reduce the discharge of contaminants.

Other chapters that have a bearing on MSTS are standards for individual subsurface sewage treatment systems in chapter 7080, administrative requirements for subsurface sewage treatment systems local permit and inspection programs in chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and certification and licensing requirements for those who design, install, inspect, maintain, or operate subsurface sewage treatment systems in chapter 7083, as published in the *State Register*, volume 31, page 1088, and as subsequently adopted.

#### **7081.0020 DEFINITIONS.**

**Subpart 1. Certain terms.** In addition to the definitions in chapters 7080, 7082, and 7083, as published in the *State Register*, volume 31, pages 1025, 1079 and 1088, and as subsequently adopted, and *Minnesota Statutes*, section 115.55, which are incorporated by reference, the terms used in this chapter have the meanings given them. For the purposes of this chapter, if a term used in this chapter is defined in chapter 7080, 7082, or 7083, as published in the *State Register*, volume 31, pages 1025, 1079, and 1088, and as subsequently adopted, it shall apply to MSTS and other SSTS if referenced in later chapters. Certain terms or words used in this chapter must be interpreted as follows: the words “shall” and “must” are mandatory and the words “should” and “may” are permissive. All distances specified in this chapter are horizontal distances unless otherwise specified.

**Subp. 2. Capillary fringe.** “Capillary fringe” means the soil layer directly above a saturated layer in which the pore spaces are nearly filled with water as water is drawn upward due to adhesive and cohesive forces.

**Subp. 3. Groundwater mound.** “Groundwater mound” means the rise in height of the seasonally saturated soil or regional

water table caused by the addition of sewage effluent from a subsurface sewage treatment into the soil.

**Subp. 4. Midsized subsurface sewage treatment systems or MSTs.** “Midsized subsurface sewage treatment systems” or “MSTs” means a sewage treatment and dispersal system, or part thereof, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade. MSTs are systems designed to receive sewage from:

- A. four or more dwellings with an average daily sewage flow from all dwellings not to exceed 10,000 gallons per day;
- B. other establishments with an average daily sewage flow of greater than 2,500 gallons per day and less than or equal to 10,000 gallons per day; or
- C. a combination of other establishments and dwellings with an average daily sewage flow of greater than 2,500 gallons per day and less than or equal to 10,000 gallons per day.

Average daily sewage flows must be determined by part 7081.0110. MSTs also includes on-lot septic tanks discharging to a sewage collection system and holding tanks and privies that serve these same facilities. MSTs does not include those components defined as plumbing under chapter 4715 or sewage collection systems.

**Subp. 5. NPDES permit.** “NPDES permit” means a national pollutant discharge elimination system permit issued by the agency.

**Subp. 6. Other establishment.** “Other establishment” means any public or private structure other than a dwelling that generates sewage that discharges to an MSTs.

**Subp. 7. Sewage collection system.** “Sewage collection system” means the piping, lift stations, and other means, devices, or components that receives and conveys sewage to the inlet of a common sewage tank. Sewage collection system does not include the piping, or other means, devices, or components that are regulated under chapter 4715.

**Subp. 8. SDS permit.** “SDS permit” means a state disposal system permit issued by the agency.

**Subp. 9. Well capture zone.** “Well capture zone” means the surface and subsurface area that supplies water to a water supply well.

## **7081.0040 STATE REGULATION.**

### **Subpart 1. Agency regulation.**

A. All MSTs must be designed and operated according to this chapter, except as modified through an ordinance in compliance with chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and *Minnesota Statutes*, section 115.55. All MSTs must be designed, installed, inspected, pumped, and operated by licensed businesses meeting the qualifications in chapter 7083, as published in the *State Register*, volume 31, page 1088, and as subsequently adopted. All MSTs must conform to applicable state statutes and rules.

B. When a single SSTS, or group of SSTS under single ownership within one-half mile of each other, are designed to treat an average daily flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain an SDS permit from the agency in accordance with chapter 7001.

C. An SDS permit may be required for any subsurface sewage treatment system or group of subsurface sewage treatment systems that the commissioner has determined may cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these discretionary permits include, but are not limited to, systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management.

D. Flow amounts to calculate whether an SDS permit is required must be determined according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed.

### **Subp. 2. Other state regulations.**

A. MSTs must conform to all applicable state statutes and rules.

B. MSTs serving establishments licensed or regulated by the state of Minnesota, or MSTs owned by the state of Minnesota, must conform to this chapter.

## **7081.0050 FEDERAL REGULATION.**

A. All subsurface sewage treatment systems serving two-family dwellings or larger and systems serving other sewage generating establishments that serve more than 20 people are regulated by the United States Environmental Protection Agency as Class V injection wells under *Code of Federal Regulations*, title 40, parts 144 and 146. Systems designed under this chapter may require additional design requirements under *Code of Federal Regulations*, title 40, parts 144 and 146. In addition, single-family dwellings systems that receive nonsewage wastewater are regulated by these federal regulations. All systems that receive hazardous wastes are regulated by the United States Environmental Protection Agency as Class IV injection wells. Disposal of hazardous waste must be according to state and federal regulations.

B. The owner or owner’s agent of a system classified as a Class V injection well shall submit to the commissioner of the Pollution Control Agency and the United States Environmental Protection Agency the inventory information specified in *Code of Federal Regulations*, title 40, section 144.26.

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C. All septage generated from MSTs must be treated and dispersed according to applicable standards for septage in *Code of Federal Regulations*, title 40, part 503, and any local requirements.

## **7081.0060 LOCAL REGULATION.**

MSTs must be regulated under local ordinances in compliance with this chapter as described in *Minnesota Statutes*, section 115.55. Local administrative requirements for design review, construction permit issuance, construction inspections, variance procedures, enforcement, operational requirements, and other administrative processes must be according to chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted.

## **7081.0070 VARIANCE PROCEDURES.**

Parts 7081.0080 to 7081.0310 are provided to be incorporated into a local ordinance according to chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and *Minnesota Statutes*, section 115.55. Variance requests to these design standards as adopted into local ordinances made by an owner or owner's agent must be issued or denied by the local unit of government. Variances may not be issued by the local unit of government for the minimal environmental protection outcomes in part 7081.0080, subparts 2 to 5. Variances may be granted to part 7081.0080, subpart 4, item D, subitem (1), for replacement MSTs serving existing dwellings or other establishments.

## **7081.0080 PERFORMANCE AND COMPLIANCE CRITERIA.**

**Subpart 1. General.** New construction, replacement, or existing MSTs designed under this chapter or existing MSTs constructed before the effective date of this chapter are considered conforming if they meet the requirements of this part.

**Subp. 2. Treatment required.** All sewage discharged from a dwelling or other establishment not served by a system issued a permit containing effluent and discharge limits or specific monitoring requirements by the agency must be treated according to local ordinances that comply with this chapter, chapter 7082, as published in the *State Register*, volume 31, page 1079, and as subsequently adopted, and *Minnesota Statutes*, section 115.55.

### **Subp. 3. Public health and safety; imminent threat.**

A. To be in compliance, all MSTs must:

- (1) have treatment processes and devices that do not allow sewage or sewage effluent contact with humans, insects, or vermin;
- (2) disperse sewage effluent into soil or sand below final grade, with the effluent remaining below final grade;
- (3) not discharge to drainage tile, the ground surface, or surface water or back up sewage into dwellings or other establishments;
- (4) treat and disperse sewage effluent in a safe manner, including protection from physical injury and harm; and
- (5) not have received hazardous material.

B. MSTs may be deemed an imminent threat to public health or safety for noncompliance with item A and any other condition that poses an imminent threat as determined by a qualified employee inspector or licensed inspection business.

### **Subp. 4. Groundwater protection.** To be in compliance, all MSTs must:

A. maintain a zone of unsaturated soil between the bottom of the soil treatment and dispersal system and the seasonally saturated soil or bedrock during loading of effluent, as described in part 7081.0270, subpart 7;

B. not be seepage pits, cesspools, drywells, leaching pits, sewage tanks, and treatment vessels that observably leak below the designated operating depth;

C. not allow viable fecal organisms to contaminate underground waters or zones of seasonal saturation;

D. employ nitrogen reduction processes that reduce nitrogen contribution to groundwater as determined in subitem (1) or (2):

(1) if the discharge from an MSTs will impact water quality of an aquifer, as defined in part 4725.0100, subpart 21, the effluent from an MSTs, in combination with the effective recharge to the groundwater, must not exceed a concentration of total nitrogen greater than 10 mg/l at the property boundary or nearest receptor, whichever is closest; and

(2) if the discharge from an MSTs will not impact water quality of an aquifer, as defined in part 4725.0100, subpart 21, best management practices developed by the commissioner to mitigate water quality impacts to groundwater must be employed; and

E. not exceed a groundwater discharge of phosphorus to a surface water that exceeds the phosphorus standard to the receiving water.

### **Subp. 5. Other conformance.** To be in compliance, MSTs must meet the requirements of items A and B.

A. All methods and devices used to treat and disperse sewage must be designed to conform to all applicable federal, state, and local regulations.

B. Systems no longer in use must be abandoned according to part 7080.2500, as published in the *State Register*, volume 31, page 1062, and as subsequently adopted.

**Subp. 6. System operation.** To be in compliance, an MSTs must meet performance standards and be operated and managed according to its operating permit, as described in part 7081.0290. To be in compliance, an MSTs designed before the effective date of this part must be operated according to applicable requirements of part 7080.2450, as published in the *State Register*, volume 31, page 1061, and as

subsequently adopted.

**Subp. 7. Compliance criteria for systems receiving replacement components.** Components of existing MSTs that cause noncompliance must be repaired or replaced. The repaired or replacement components must meet technical standards and criteria in parts 7081.0110 to 7081.0280. The remaining components of the existing system must comply with subparts 2 to 5.

**Subp. 8. Upgrade requirements.**

A. MSTs in compliance with this part shall be issued a certificate of compliance. Systems found not in compliance shall be issued a notice of noncompliance.

B. MSTs issued a notice of noncompliance based on criteria in subpart 3 shall be repaired or replaced within ten months or as directed by *Minnesota Statutes*, chapter 145A, whichever is most restrictive.

C. MSTs issued a notice of noncompliance based on criteria in subpart 4 or 5 shall be repaired or replaced according to local ordinance requirements.

D. Systems issued a notice of noncompliance based on criteria in subpart 6 must immediately be maintained, monitored, or managed according to the operating permit.

## **7081.0100 PROFESSIONAL REQUIREMENTS.**

Systems must be designed, installed, inspected, operated, and maintained by appropriately licensed businesses and certified individuals according to chapter 7083, as published in the *State Register*, volume 31, page 1088, and as subsequently adopted, and other applicable requirements.

## **7081.0110 SEWAGE FLOW DETERMINATION.**

The average daily flow is the combined values determined in parts 7081.0120, 7081.0130, and 7081.0140.

## **7081.0120 AVERAGE DAILY FLOW DETERMINATION FOR DWELLINGS.**

Subpart 1. Sum of average daily flow for four to ten existing dwellings. The average daily flow for MSTs serving four to ten existing dwellings is the sum of the average daily flows for all individual dwellings as determined in part 7080.1850, as published in the *State Register*, volume 31, page 1043, and as subsequently adopted.

Subp. 2. Sum of average daily flow for 11 existing dwellings to 10,000 gallons per day. The average daily flow for MSTs serving 11 existing dwellings to flow from existing dwellings not exceeding 10,000 gallons per day is determined in part 7080.1850, as published in the *State Register*, volume 31, page 1043, and as subsequently adopted. Classification I dwellings may be considered Classification II dwellings.

Subp. 3. New housing developments. For new housing developments, the developer shall determine and restrict the total number of bedrooms for the development and determine the average daily flow by multiplying the total number of bedrooms by 150 gallons for MSTs serving four to ten proposed dwellings and by 110 gallons per bedroom for MSTs serving 11 or more proposed dwellings. If the ultimate development of phased or segmented growth meets or exceeds the thresholds in subpart 2, the initial system or systems require a state disposal system permit.

Subp. 4. Additional capacity. If construction of additional dwellings or bedrooms, installation of additional water-using devices, or other factors likely to increase the flow volumes can be reasonably anticipated, the MSTs must be designed to accommodate the additional capacity as determined by the local unit of government.

## **7081.0130 FLOW AND WASTE CONCENTRATION DETERMINATION FOR OTHER ESTABLISHMENTS.**

Subpart 1. Method. Average daily flows for other establishments are determined by methods in item A or B.

A. The average daily flow of sewage for MSTs serving other establishments is estimated using Table I.

**TABLE I**  
**ESTIMATED SEWAGE FLOW FROM**  
**OTHER ESTABLISHMENTS**

<u>Dwelling units</u> <u>(also see outdoor</u> <u>recreation)</u>	<u>Unit</u>	<u>Average</u> <u>daily</u> <u>flow</u>
<u>Hotel or luxury</u> <u>hotel</u>	<u>guest</u>	<u>55</u>
	<u>square foot</u>	<u>0.28</u>

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<u>Motel</u>	<u>guest</u>	<u>38</u>
	<u>square foot</u>	<u>0.33</u>
<u>Rooming house</u>	<u>resident</u>	<u>45</u>
	<u>add for each nonresident meal</u>	<u>3.3</u>
<u>Daycare (no meals)</u>	<u>child</u>	<u>19</u>
<u>Daycare (with meals)</u>	<u>child</u>	<u>23</u>
<u>Dormitory</u>	<u>person</u>	<u>43</u>
<u>Labor camp</u>	<u>person</u>	<u>18</u>
<u>Labor camp, semipermanent</u>	<u>employee</u>	<u>50</u>
<u>Commercial/Industrial</u>		
<u>Retail store</u>	<u>square foot</u>	<u>0.13</u>
	<u>customer</u>	<u>3.8</u>
	<u>toilet</u>	<u>590</u>
<u>Shopping center</u>	<u>employee</u>	<u>11.5</u>
	<u>square foot</u>	<u>0.15</u>
	<u>parking space</u>	<u>2.5</u>
<u>Office</u>	<u>employee/8hour shift</u>	<u>18</u>
	<u>square foot</u>	<u>0.18</u>
<u>Medical office*</u>	<u>square foot</u>	<u>1.1</u>
	<u>practitioner</u>	<u>275</u>
	<u>patient</u>	<u>8</u>
<u>Industrial building*</u>	<u>employee/8hour shift</u>	<u>17.5</u>
	<u>employee/8hour shift with showers</u>	<u>25</u>
<u>Laundromat</u>	<u>machine</u>	<u>635</u>
	<u>load</u>	<u>52.5</u>
	<u>square foot</u>	<u>2.6</u>
<u>Barber shop*</u>	<u>chair</u>	<u>68</u>
<u>Beauty salon*</u>	<u>station</u>	<u>285</u>
<u>Flea market</u>	<u>nonfood vendor/space</u>	<u>15</u>
	<u>limited food vendor/space</u>	<u>25</u>
	<u>with food vendor/space</u>	<u>50</u>
<u>Eating and drinking establishments</u>		
<u>Restaurant (does not include bar or lounge)</u>	<u>meal without alcoholic drinks</u>	<u>3.5</u>

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	<u>meal with alcoholic drinks</u>	8
	<u>seat (open 16 hours or less)</u>	30
	<u>seat (open more than 16 hours)</u>	50
	<u>seat (open 16 hours or less, single service articles)</u>	20
	<u>seat (open more than 16 hours, single service articles)</u>	35
<u>Restaurant (short order)</u>	<u>customer</u>	7
<u>Restaurant (drive-in)</u>	<u>car space</u>	30
<u>Restaurant (carry out, including caterers)</u>	<u>square foot</u>	0.5
<u>Institutional meals</u>	<u>meal</u>	5.0
<u>Food outlet</u>	<u>square foot</u>	0.2
<u>Dining hall</u>	<u>meal</u>	8.5
<u>Coffee shop</u>	<u>customer</u>	7
<u>Cafeteria</u>	<u>customer</u>	2.5
<u>Bar or lounge (no meals)</u>	<u>customer</u>	4.5
	<u>seat</u>	36
<u>Entertainment establishments</u>		
<u>Drivein theater</u>	<u>car stall</u>	5
<u>Theater/ auditorium</u>	<u>seat</u>	4.5
<u>Bowling alley</u>	<u>alley</u>	185
<u>Country club</u>	<u>member (no meals)</u>	22
	<u>member (with meals and showers)</u>	118
	<u>member (resident)</u>	86

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<u>Fairground and other similar gatherings</u>	<u>visitor</u>	<u>1.5</u>
<u>Stadium</u>	<u>seat</u>	<u>5</u>
<u>Dance hall</u>	<u>person</u>	<u>6</u>
<u>Health club/gym</u>	<u>member</u>	<u>35</u>
<u>Outdoor recreation and related lodging facilities</u>		
<u>Campground</u>	<u>person with hookup</u>	<u>36</u>
	<u>site with hookup</u>	<u>100</u>
	<u>site without hookup, with central bath</u>	<u>62</u>
	<u>site to be served by dump station</u>	<u>14.5</u>
<u>Permanent mobile home</u>	<u>mobile home</u>	<u>225</u>
<u>Camp, day without meals</u>	<u>person</u>	<u>20</u>
<u>Camp, day with meals</u>	<u>person</u>	<u>25</u>
<u>Camp, day and night with meals</u>	<u>person</u>	<u>45</u>
<u>Resort/lodge hotel</u>	<u>person</u>	<u>62</u>
<u>Cabin, resort</u>	<u>person</u>	<u>50</u>
<u>Retail resort store</u>	<u>customer</u>	<u>4</u>
<u>Park or swimming pool</u>	<u>guest</u>	<u>10</u>
<u>Visitor center</u>	<u>visitor</u>	<u>13</u>
<u>Transportation</u>		
<u>Gas station/convenience store</u>	<u>customer</u>	<u>3.5</u>
<u>Service station*</u>	<u>customer</u>	<u>11</u>
	<u>service bay</u>	<u>50</u>
	<u>toilet</u>	<u>250</u>
	<u>square foot</u>	<u>0.25</u>
<u>Car wash* (does not include car wash water)</u>	<u>square foot</u>	<u>5</u>

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<u>Airport, bus station, rail depot</u>	<u>passenger</u>	<u>5</u>
	<u>square foot</u>	<u>5</u>
	<u>restroom</u>	<u>565</u>
<u>Institutional</u>		
<u>Hospital*</u>	<u>bed</u>	<u>220</u>
<u>Mental health hospital*</u>	<u>bed</u>	<u>147</u>
<u>Prison or jail</u>	<u>inmate</u>	<u>140</u>
<u>Nursing home, other adult congregate living</u>	<u>resident</u>	<u>125</u>
<u>Other public institution</u>	<u>person</u>	<u>105</u>
<u>School (no gym, no cafeteria, and no showers)</u>	<u>student</u>	<u>14</u>
<u>School (with cafeteria, no gym and no showers)</u>	<u>student</u>	<u>18</u>
<u>School (with cafeteria, gym, and showers)</u>	<u>student</u>	<u>27.5</u>
<u>School (boarding)</u>	<u>student</u>	<u>95</u>
<u>Church</u>	<u>seat</u>	<u>4</u>
	<u>add for each meal prepared</u>	<u>5</u>
<u>Assembly hall</u>	<u>seat</u>	<u>4</u>
<u>Miscellaneous</u>		
<u>Public lavatory</u>	<u>user</u>	<u>5</u>
<u>Public shower</u>	<u>shower taken</u>	<u>11</u>

\* Waste other than sewage may only be discharged into the system if the waste is suitable to be discharged to a subsurface soil treatment and dispersal system.

Unless otherwise noted in Table I, the flow values do not include flows generated by employees. A flow value of 15 gallons per employee per eight-hour shift must be added to the flow amount. Average daily flow determination for establishments not listed in Table I shall be determined by the best available information and approved by the local unit of government.

B. The measured average daily flow of sewage for MSTs serving other establishments is determined by averaging the measured daily flows for a consecutive seven-day period in which the establishment is at maximum capacity or use.

Subp. 2. **Waste concentration.** If concentrations of biochemical oxygen demands, total suspended solids, and oil and grease from the sewage are expected to be higher than 175 mg/l, 65 mg/l, or 25 mg/l respectively, an estimated or measured average concentration must be determined and be acceptable to the local unit of government. System design must account for concentrations of these constituents so as not to cause internal system malfunction, such as, but not limited to, clogging of pipes, orifices, treatment devices, or media. Waste

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strength loading to soil treatment and dispersal systems must not exceed the concentration for these constituents in excess of the values in Table III in part 7081.0270, subpart 6.

## **7081.0140 INFILTRATION.**

The average daily flow must also include 200 gallons of infiltration and inflow per inch of collection pipe diameter per mile per day with a minimum pipe diameter of two inches to be used for the calculation. Flow values may be further increased if the system employs treatment devices that are exposed to atmospheric conditions that will infiltrate precipitation.

## **7081.0150 NECESSITY OF SOIL AND SITE EVALUATIONS.**

Soil and site evaluations must be conducted for MSTs design. The evaluations must be conducted according to parts 7081.0160 and 7081.0170. Evaluations must identify and delineate an initial and replacement soil treatment and dispersal area with appropriate system site boundaries.

## **7081.0160 PRELIMINARY EVALUATION.**

A preliminary evaluation consists of determining:

- A. the average daily flow and anticipated effluent concentrations of biochemical oxygen demand, total suspended solids, and fats, oils, and grease;
- B. whether water supply wells may impact the location of the system due to the setback constraints;
- C. whether buildings or improvements will be within 50 feet of the proposed soil treatment area;
- D. whether buried water supply pipes will be within 50 feet of the proposed system;
- E. whether easements will be within 50 feet of the proposed system;
- F. whether the ordinary high water level of public waters will be within 500 feet of the proposed soil treatment and dispersal area and if so, a preliminary assessment of phosphorus impacts to the surface water;
- G. whether the system will be located in a floodplain and the system location in relation to the 100-year flooding elevation from published data if available or data that is acceptable to the local unit of government;
- H. whether designated wetlands will be within 50 feet of the proposed soil treatment area or whether a wetland delineation has been conducted or is required to be conducted on the property;
- I. the required setbacks from the proposed soil treatment and dispersal system;
- J. the soil survey information on the proposed soil dispersal area, including the soil map, map units, landscape position, flooding potential, slope range, seasonally saturated soil level, depth to bedrock, texture of soil horizons, and permeability of soil horizons;
- K. the legal description, dimensions, and size of the proposed soil treatment area;
- L. the names of property owners; and
- M. the location of the system on a United States Geological Survey quadrangle map of the proposed soil treatment and dispersal area and the area within one mile.

## **7081.0170 FIELD EVALUATION.**

Subpart 1. **Generally.** Before conducting a field evaluation, the designer shall confer with the local unit of government to determine the requirements and scope of the evaluation, dependent upon system size, soil conditions, and other applicable factors. At a minimum, the requirements in this part must be met.

Subp. 2. **Property marks.** Property lines must be identified as acceptable to the owner. Lot improvements, required setbacks, and easements must be identified, located, and marked.

Subp. 3. **Site area.** A general evaluation and description of the proposed soil treatment and dispersal area, including a general geomorphic description, current land use, and past land use, if known, must be provided.

Subp. 4. **Surface features.** The following surface features must be identified and described:

- A. the dominant vegetation;
- B. evidence of disturbed or compacted soil or flooding or run-on potential; and
- C. landscape position, including landform, slope gradient, slope direction, and surface morphometry as described in the *Field Book for Describing and Sampling Soils Version 2.0*, September 2002, developed by the National Soil Survey Center and Natural Resources Conservation Service of the United States Department of Agriculture. The field book is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 5. **Soil pits.**

A. The required number of soil pits must be determined by the professional judgment of the designer as based on the size of the area, consistency of the soil, and approved by the local unit of government.

B. Soil borings may be substituted for soil pits if conditions exist where soil pits are not warranted as determined by the local unit of

government.

C. The qualifying soil pits or borings to be used for the MSTs design must be located within or on the borders of the proposed soil treatment and dispersal area. Soil pits or soil borings must be dug outside the soil dispersal area if possible. The soil must be observed and described to a depth of at least three feet below the proposed depth of the system. Other soil observations may be made to supplement the required soil pit information.

D. Underground utilities must be located before soil observations are undertaken. Required safety precautions must be taken before entering soil pits.

**Subp. 6. Soil description.**

A. The soil properties and features in subitems (1) to (13) must be described according to *Field Book for Describing and Sampling Soil, version 2*, Natural Resources Conservation Service, United States Department of Agriculture (September 2002), for each soil horizon at each qualifying soil pit or boring. The field book is incorporated by reference under subpart 4.

(1) Matrix soil color.

(2) Soil features that have different colors from the matrix color, including but not limited to clay films, organic stains, silt coats, nodules, and concretions.

(3) Abundance, size, and contrast of redoximorphic features.

(4) Soil texture, with modifiers.

(5) Grade, size, and shape of soil structure.

(6) Moist soil consistence.

(7) Abundance and size of rock fragments.

(8) Abundance and size of roots.

(9) Horizon boundary conditions.

(10) Parent materials.

(11) Pores, quantity and size.

(12) Quantity of boulders and tree stumps affecting construction.

(13) Any other characteristic or feature that may affect permeability of the soil or treatment of sewage effluent.

B. The depth of bedrock, if encountered, must be determined by requirements of part 7080.0020, subpart 6.

C. The elevation of standing water evident in any soil pit or boring must be identified.

D. The soil must not be described when frozen, at an improper moisture content, or under poor light conditions.

**Subp. 7. Method.** A method for determining the soil's infiltration capacity in the absorption area and internal water movement of the soil beneath the system must be employed. Both hydraulic conductivity testing, or other equivalent physical measurement of water movement, along with a soil morphological determination of the soil's texture, structure, and consistence, must be employed. Soil sizing factors in part 7080.2150, subpart 3, item G, as published in the *State Register*, volume 31, page 1053, and as subsequently adopted, are recommended if the degree of groundwater mounding is found to be acceptable. The frequency of the observations and measurements must be determined by the professional judgment of the designer, dependent on the variation in soil conditions and the system size, with the frequency of the observations and measurements approved by the local unit of government.

**Subp. 8. Comparison with soil survey.** All field soil information gathered must be compared and evaluated against soil survey information. Any discrepancies shall be identified and justification shall be provided for the information that was chosen for system design.

**7081.0180 SOIL INTERPRETATION FOR SYSTEM DESIGN.**

**Subpart 1. Site and soil information.** Site and soil information gathered in parts 7081.0160 and 7081.0170 must be interpreted for suitability for MSTs siting, design, and construction, with consideration of the following:

A. surface features impacts from precipitation, run-on, and interflow;

B. cultural features impacts, including, but not limited to, setbacks and easements;

C. site conditions affecting system layout, distribution system requirements, and constructability;

D. layers of coarse soil textures that affect treatment;

E. disturbed, compacted, cut-filled, or other unnatural condition, if present;

F. the uniformity of the soil over the site;

G. future surrounding land use changes;

H. soil sizing factor or loading rate; and

I. an approximation of the rise in groundwater from system operation as determined by groundwater mounding calculations. A narrative evaluation of the accuracy of the approximation must be provided. The approximation must be related to the requirements in part 7081.0270, subpart 3, item B.

**Subp. 2. Flood fringes.** Systems proposed to be located in flood fringes must determine feasibility of relocating the system outside the floodplain.

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Subp. 3. **Depth.** The limiting layer in the soil shall be determined based on the depth of bedrock or seasonally saturated soil if encountered. The depth to the seasonally saturated soil shall be determined according to part 7080.1720, subpart 5, item E, as published in the *State Register*, volume 31, page 1042, and as subsequently adopted, and the depth of bedrock shall be as defined under part 7080.1100, subpart 10, as published in the *State Register*, volume 31, page 1026, and as subsequently adopted.

## **7081.0190 SITE PROTECTION.**

The proposed soil treatment and dispersal area must be protected from disturbance, compaction, or other damage by staking, fencing, posting, or other effective method.

## **7081.0200 SOIL AND SITE REPORT.**

All information required in parts 7081.0150 to 7081.0180 must be submitted for review and approval by the local unit of government prior to final design. The submittal must also contain:

- A. a map of the proposed soil treatment and dispersal area, drawn to scale, showing:
  - (1) features with a setback within 150 feet of the system;
  - (2) easements within 50 feet of the system;
  - (3) floodplains, wetlands, and surface waters, within 100 feet of the system;
  - (4) location and elevation of all soil pits, borings, and hydraulic tests; and
  - (5) two-foot contour lines, unless use of the contours are not warranted as determined by the local unit of government;
- B. dates and weather conditions during the field evaluation;
- C. elevations of the seasonally saturated soil or bedrock;
- D. proposed depths of the system bottom;
- E. proposed soil sizing factor or loading rate;
- F. system site boundaries;
- G. anticipated construction-related issues;
- H. name, address, telephone number, and certified statement of the certified individual conducting the site evaluation; and
- I. a narrative explaining any difficulties encountered during the site evaluation, such as, but not limited to, identifying and interpreting soil and landform features, and how the difficulties were resolved.

## **7081.0210 GROUNDWATER INVESTIGATION.**

Subpart 1. **Necessity of investigation.** A preliminary groundwater evaluation must be conducted for all proposed MSTs according to this part.

Subp. 2. **Preliminary investigation.** The following information must be ascertained from the best available information:

- A. the size of the soil treatment and dispersal system, proposed loading rate, and system geometry;
- B. the legal description of the parcel where the proposed soil treatment and dispersal area is to be located;
- C. any anticipated discharges from nondomestic sources to the proposed MSTs;
- D. the location of the MSTs on a 7.5 minute United States Geological Survey quadrangle topographic map, including the area within a one-mile radius of the proposed soil treatment system;
- E. a determination of the general geology, shallow groundwater setting, regional groundwater setting, and aquifers used for water supply and a description of the general site hydrology characteristics, including, but not limited to, identification and estimated depth measurements to geologic units and aquifers, and identification of groundwater confining strata;
- F. a determination whether the proposed system is in a drinking water supply management area, inner wellhead management zone, source water protection area, or groundwater sensitive area;
- G. an assessment of all water supply wells within a 300-foot radius of the proposed soil treatment area with a minimum assessment of well locations and casing depths from well construction log records. If no records exist, the well locations and casing depths must be estimated;
- H. a determination or estimation of groundwater flow direction; and
- I. an assessment of nitrogen impacts from the system.

Subp. 3. **Field or further investigation.** The designer must consult with the local unit of government to determine whether the local unit of government will require a field or further groundwater investigation and, if so, the extent of the investigation. The field or further investigation must be conducted if information gained in subpart 2 indicates that a proposed system is a potential contaminant threat to a regional water table, an aquifer, or water supply well(s). The threats of concern include, but are not limited to, fecal organism contamination, nitrate contamination, or phosphorus impacts to surface waters.

Subp. 4. **Monitoring.** The designer must consult with the local unit of government to determine if the local unit of government will require effluent or groundwater monitoring and, if so, the extent of the monitoring. Monitoring should be conducted if information gained in subpart 2 or 3 indicates that a proposed system is a potential contaminant threat to a regional water table, an aquifer, or a water supply

well or impacts surface waters. The potential groundwater mound must be monitored under all MSTs during operation.

**Subp. 5. Hydrological interpretations.** The information gathered in this part must be used to estimate or measure if the system adequately protects the groundwater and surface water as prescribed in part 7081.0080, subpart 4. The interpretation must include a determination of whether contaminant plumes may intersect water supply well capture zones.

**Subp. 6. Groundwater report.** All information required in this part must be submitted for review and approval of the local unit of government prior to final design, including all applicable information delineated on a map.

## **7081.0230 DESIGN STANDARDS.**

A. The design standards for new construction or replacement MSTs in parts 7081.0240 to 7081.0270 are provided to meet many of the public health and environmental outcomes in part 7081.0080. In some cases, specific engineered methods must be employed in addition to the standards provided in parts 7081.0240 to 7081.0270.

B. MSTs must not receive storm water or other sources of clean water.

C. All structural components of the system and sealants must be designed to meet or exceed a 25-year design life.

D. A flow measure device must be employed on all MSTs.

E. The system must be designed with sufficient access and ports to monitor the system as applicable.

F. MSTs must employ components registered under part 7080.1600, as published in the *State Register*, volume 31, page 1032, and as subsequently adopted, or have sufficient regulatory oversight in the operating permit.

## **7081.0240 SEWAGE TANKS.**

**Subpart 1. General.** All holding or treatment tanks or vessels, including lined vessels and grease interceptors serving MSTs, must conform to the applicable requirements of parts 7080.1910 to 7080.2020, as published in the *State Register*, volume 31, pages 1044 - 1048, and as subsequently adopted, except as modified in this part or as designed by a professional engineer and approved by the local unit of government.

### **Subp. 2. Tank capacity.**

A. Total septic tank capacity must be in accordance with this item.

(1) Total septic tank liquid capacity for a common tank serving multiple dwellings under gravity flow to the common tank are determined by multiplying the average daily flow by 3.0.

(2) Total septic tank liquid capacity for a common tank serving multiple dwellings under pressure flow to the common tank is determined by multiplying the average daily flow by 4.0.

(3) Common multiple septic tanks may be connected in series or multiple tanks may operate in parallel if it can be demonstrated that each tank will be loaded within its design capacity. No tank connected in series or any compartment may have a capacity of less than one-fourth of the required total liquid capacity.

B. For MSTs that have individual septic tanks at each dwelling, the individual tanks must meet all the requirements of parts 7080.1910 to 7080.2020, as published in the *State Register*, volume 31, pages 1044 - 1048, and as subsequently adopted. Stilling tanks should be installed between the individual tanks and the next system component as necessary.

C. Total septic tank liquid capacity for other establishments is determined by multiplying the average daily flow by 3.0 if receiving sewage under gravity flow or multiplying the average daily flow by 4.0 if receiving sewage under pressure flow.

D. Total septic tank liquid capacity prior to other treatment devices shall be according to manufacturer's requirements or accepted standards.

E. Holding tanks serving other establishments must provide storage of at least five times the average daily flow.

**Subp. 3. Lint filters, effluent screens, and pressure filters.** Effluent screens must be used as the outlet baffle on the final septic tank or pressure filters must be used in the dosing chamber if common tanks are employed in series. Alarms must be employed on tanks equipped with effluent screens. Lint filters should be used if the sewage contains laundry waste.

### **Subp. 4. Tank geometry.**

A. For common septic tanks, the maximum liquid depth of septic tanks to determine liquid capacity must be no greater than 84 inches. Septic tanks should have a minimum length-to-width ratio of two to one and a minimum length-to-depth ratio of 3.5 to one. Tanks not meeting these dimensions should be monitored for biological oxygen demand and total suspended solids concentrations for a period of time as determined by the local unit of government.

B. For common septic tanks, the space in the tank between the liquid surface and the top of the inlet and outlet baffles must not be less than 20 percent of the total required liquid capacity.

**Subp. 5. Tank testing.** All tanks used for MSTs must be tested for watertightness according to part 7080.2010, subpart 3, as published in the *State Register*, volume 31, page 1047, and as subsequently adopted. The test shall be conducted to include the watertightness of all connections and risers.

**Subp. 6. Liners.** Liners used as watertight barriers for treatment devices must be designed and constructed according to liner requirements developed by the commissioner of the Pollution Control Agency. If conflicts exist between this chapter and those require-

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ments, this chapter applies. Compacted soil liners must not be used as watertight barriers for treatment devices. Liners must be tested and must hold water without loss for 24 hours after being filled to the top of the liner.

Subp. 7. External grease interceptors. A commercial or institutional food preparation facility such as, but not limited to, a restaurant, cafeteria, or institutional kitchen, served by a system regulated under this chapter, the system design for which was submitted to the local unit of government after the effective date of this part, shall install an external grease interceptor unless other grease control measures are taken. All existing facilities described in this subpart should install and maintain an external grease interceptor or other grease control measures. The requirements for external grease interceptors are in chapter 4715.

## **7081.0250 DISTRIBUTION OF EFFLUENT.**

Distribution of effluent into a soil treatment and dispersal system must comply with part 7080.2050, as published in the *State Register*, volume 31, page 1048, and as subsequently adopted, or be designed by a registered professional engineer and approved by the local unit of government. MSTs should employ pressure distribution.

## **7081.0260 DOSING OF EFFLUENT.**

A. Dosing of effluent into a soil treatment and dispersal system must comply with part 7080.2100, as published in the *State Register*, volume 31, page 1050, and as subsequently adopted, except as modified in this part.

B. The dosing system must either include an alternating two-pump system or have a minimum total capacity of 100 percent of the average daily flow.

C. The pump discharge capacity must be based on the perforations discharge, with a minimum average head of two feet.

## **7081.0270 FINAL TREATMENT AND DISPERSAL.**

Subpart 1. General. Final treatment and dispersal should be according to applicable design requirements in chapter 7080, except as modified in this part. Systems designed under this part may require additional design requirements pursuant to *Code of Federal Regulations*, title 40, parts 144 and 146. At a minimum, flow amounts to be used for the purposes of this part must be derived from part 7081.0110.

Subp. 2. Setbacks. MSTs components must meet the setbacks in Table II. This chapter does not require a setback to a wetland, but a local setback may exist.

Table II  
Minimum Setback Distances (feet)

<u>Feature</u>	<u>Sewage Tank, Holding Tank, or Sealed Privy</u>	<u>Absorption Area or Sealed Privy</u>	<u>Building Sewer or Sewage Supply Pipes</u>
<u>Water supply wells</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>Buried water lines</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>Buildings**</u>	<u>10</u>	<u>20</u>	
<u>System site boundaries</u>	<u>10</u>	<u>10</u>	
<u>The ordinary high water level of public waters</u>	<u>***</u>	<u>***</u>	

\*Setbacks from buried water pipes and water supply wells are governed by chapters 4715 and 4725, respectively. \*\*If setbacks are reduced through local administrative processes, the system shall not be located under or within the structure.

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

**Subp. 3. Soil system sizing and hydraulic performance.**

A. Effluent loading rates to the soil shall not be in excess of the soil's ability to infiltrate and transmit effluent as determined by the observations and measurements in part 7081.0170, subpart 7.

B. The groundwater mound formed from an operating MSTs must not infringe on the unsaturated zone beneath the soil system necessary to meet the requirements in part 7081.0080, subpart 4, item C, and for proper hydraulic functioning.

C. The site of the soil treatment and dispersal system derived from items A and B must be designed and constructed with a 50 percent increase in sizing. In addition to that increase, a 50 percent replacement soil treatment and dispersal land area must be identified and protected for future use if necessary. Replacement MSTs proposed on sites that cannot meet this requirement may be exempted by the local unit of government.

**Subp. 4. Minimal soil and site conditions.** The site proposed to support the soil treatment and dispersal system must:

A. have the upper 12 inches of the absorption area:

(1) be original soil;

(2) have a size classification of one to 13 as listed in Table IX, in part 7080.2150, subpart 3, item G, as published in the *State Register*, volume 31, page 1053, and as subsequently adopted; and

(3) be above the seasonally saturated soil or bedrock;

B. meet the area size requirements in subpart 3 and setbacks in subpart 2 and all easements;

C. not be a wetland or floodway;

D. not be in an area in which surface runoff of precipitations will concentrate (swale); and

E. allow the system to be placed on contour.

**Subp. 5. Inspection pipes.** Inspection pipes must be located to adequately assess the hydraulic performance of the entire soil treatment and dispersal system.

**Subp. 6. Soil loading requirements.** Loadings of sewage solids per square foot of bottom and side wall absorption area must not be in excess of the most limiting constituent as determined in Table III.

Table III  
Waste Strength Loading Rates

Soil Texture Group**	lbs of BOD/100 ft <sup>2</sup> /day of total absorption area*	lbs of TSS/100 ft <sup>2</sup> /day of total absorption area*	lbs of oil and grease/100 ft <sup>2</sup> /day of total absorption area*
1 and 2	0.13	0.049	0.019
4	0.086	0.032	0.012
3, 5, and 6	0.066	0.024	0.009
7 and 9	0.055	0.020	0.008
8, 10, and 12	0.050	0.018	0.007
11 and 13	0.036	0.014	0.005
15	0.026	0.010	0.004

\*To determine the loading to the soil treatment system, the following calculation must be used: Waste strength loading rate (lbs/ft<sup>2</sup>/day) = constituent concentration (ppm) x .00000834 x hydraulic loading rate of total absorption area/day (gal/ft<sup>2</sup>/day). The constituent concentration for soil treatment and dispersal system design must be the concentration from the pretreatment device according to the device's product registration designation. Constituent concentration loading rate is based on bottom and sidewall absorption area.

\*\*Soil textural groups can be found in Table IX, part 7080.2150, subpart 3, item F, as published in the *State Register*, volume 31, page 1053, and as subsequently adopted.

**Subp. 7. Vertical separation distance.** An unsaturated zone must be maintained between the bottom of the soil treatment and dispersal system and the seasonally saturated soil or bedrock during loading of effluent. This operating vertical separation distance must meet the groundwater protection objectives in part 7081.0080, subpart 4, item C. The designed vertical separation distance shall take into consideration:

A. soil texture in the treatment zone;

B. effluent loading rate to the soil;

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- C. effluent dosing frequency;
- D. system width and depth as it affects oxygen transfer from the atmosphere;
- E. the height of the capillary fringe in the unsaturated zone;
- F. groundwater mounding;
- G. concentrations of contaminants in the effluent;
- H. hydraulic head over bottom absorption area; and
- I. factor of safety.

An observation well to measure the height of the seasonally saturated soil beneath the operating system must be installed and monitored according to the operating permit.

Subp. 8. **Nitrogen reduction.** Systems must employ nitrogen mitigation methods to achieve compliance with part 7081.0080, subpart 4, item D.

Subp. 9. **Phosphorus reduction.** Phosphorus mitigation methods must be employed to achieve compliance with part 7081.0080, subpart 4, item D, if natural processes are found inadequate.

Subp. 10. **Design report.** All information required in this part shall be submitted for review and approval by the local unit of government prior to system construction, including all applicable information delineated on a map.

## **7081.0280 CONSTRUCTION REQUIREMENTS.**

A. MSTS construction must be according to applicable construction requirements of chapter 7080.

B. The MSTS designer must observe critical periods of system construction. The designer shall prepare a report of observed construction activities and submit the report to the local unit of government prior to final inspection.

## **7081.0290 OPERATION AND MAINTENANCE.**

A. System maintenance must be according to part 7080.2450, as published in the *State Register*, volume 31, page 1061, and as subsequently adopted, except as modified in this part.

B. All external grease interceptors must be routinely inspected to determine the volume present. All external grease interceptors must be cleaned when the volume of external grease equals no more than 50 percent of the liquid capacity of the tank.

C. The designer must complete an operation and maintenance manual and the manual must be approved by the local unit of government before system operation. The manual shall include a copy of the plans and specifications, as-built drawings of the system, and information to properly operate the system.

D. Systems shall be operated under a local operating permit submitted and approved with the design.

E. Any operational noncompliance must be immediately corrected and reported by the owner or service provider to the local unit of government.

## **7081.0300 SYSTEM ABANDONMENT.**

MSTS no longer in use must be abandoned according to part 7080.2500, as published in the *State Register*, volume 31, page 1062, and as subsequently adopted.

## **7081.0310 SYSTEM OWNERSHIP AND RESPONSIBILITY.**

Subpart 1. **Ownership.** MSTS may be owned by a sole individual, a group of individuals, or a private management entity or publicly held. The owner or owners are responsible for operation, maintenance, repairs, replacement, and compliance as required by this part.

Subp. 2. **Regulation.** MSTS serving multiple dwellings must be owned by a legal and responsible entity. The entity must have the ability to perform and must perform the following functions:

- A. apply for and obtain construction and operating permits;
- B. ensure submittal of required reporting and compliance status to the local unit of government;
- C. negotiate contracts as necessary;
- D. develop administrative processes;
- E. impose fees for operation, management, and replacement of the system;
- F. obtain financing;
- G. provide annual education to users on suitable discharges; and
- H. monitor compliance with local ordinance requirements.

Subp. 3. **Certification.** The owner or owners of MSTS serving multiple dwellings must submit to the local unit of government a certification of financial viability. The certification shall include:

- A. a copy of the title to all MSTS physical assets; and
- B. the method by which the system operation, maintenance, repairs, and replacement will be financed.

Subp. 4. Sale. The owner or owners of MSTs serving multiple dwellings must not sell, assign, or divest the system without notification to the local unit of government. The system shall be free of any liens, judgments, or encumbrances.

Subp. 5. Continuation. The owner of MSTs serving multiple dwellings shall provide a financial instrument or mechanism in an amount sufficient to continue the operation, maintenance, management, and repairs of the system for a period of one year if the owner fails to fulfill the owner's or operator's financial support of the system.

**INCORPORATION BY REFERENCE:** Part 7081.0170, subpart 4, item C: *Field Book for Describing and Sampling Soils Version 2.0*, September 2002, developed by the National Soil Survey Center and Natural Resources Conservation Service of the United States Department of Agriculture is available through the Minitex interlibrary loan system.

## Pollution Control Agency Proposed Permanent Rules Relating to Individual Sewage Treatment Systems

### CHAPTER 7082 POLLUTION CONTROL AGENCY REQUIREMENTS FOR LOCAL ISTS PROGRAMS

#### **7082.0010 PURPOSE AND INTENT.**

Subpart 1. Effect. The proper location, design, installation, use, and maintenance of subsurface sewage treatment systems (SSTS) protects the public health, safety, and general welfare by the discharge of adequately treated sewage to groundwater.

Subp. 2. Authority. In accordance with the authority granted in *Minnesota Statutes*, chapters 103F, 103G, 115, and 116, the Pollution Control Agency provides the minimum standards for local SSTS ordinances and administrative programs. The agency offers these standards to reasonably ensure proper permitting, inspection, and operation of SSTS.

Subp. 3. Local ordinances; construction. Local ordinances referencing individual sewage treatment rules issued by the agency shall be construed to mean rules governing both individual subsurface sewage treatment systems and mid-sized subsurface sewage treatment systems, as defined in parts 7080.1100, subpart 45, and 7081.0020, subpart 4, as published in the *State Register*, volume 31, pages 1027 and 1065, and as subsequently adopted.

#### **7082.0020 DEFINITIONS.**

Subpart 1. Certain terms. In addition to the definitions in chapters 7080, 7081, and 7083, as published in the *State Register*, volume 31, pages 1025, 1064, 1088, and as subsequently adopted, and *Minnesota Statutes*, section 115.55, which are incorporated by reference, the terms used in this chapter have the meanings given them. For purposes of these standards, certain terms or words are interpreted as follows: the words "shall" and "must" are mandatory and the word "may" is permissive.

Subp. 2. Permittee. "Permittee" means a person who is named on a permit issued pursuant to local ordinance.

#### **7082.0040 REGULATORY ADMINISTRATION RESPONSIBILITY.**

Subpart 1. Agency responsibilities. The agency is responsible for providing the framework for local SSTS ordinances along with providing minimum administrative procedures or strategies to ensure effective permitting and inspection of SSTS. The agency is also responsible for reviewing local ordinances to ensure adequate protection of public health and the environment and that local administration is sufficient to ensure compliance.

##### Subp. 2. County responsibilities.

A. All counties must adopt and effectively enforce SSTS ordinances in compliance with chapters 7080 and 7081, as published in the *State Register*, volume 31, pages 1025 and 1064, and as subsequently adopted, that also comply with this chapter. Ordinances must apply to all land area within the county, except in towns and cities that have adopted ordinances that comply with the county ordinance and this chapter.

##### B. All counties with SSTS ordinances must:

- (1) permit and inspect SSTS within cities and townships that do not administer an effective SSTS ordinance; and
- (2) determine if city and township ordinances are technically and administratively as strict as the county ordinance.

Subp. 3. City and township responsibilities. Cities and townships with SSTS ordinances must effectively administer and enforce an ordinance that conforms with the county's regulatory strategy and is administratively and technically as strict as the county ordinance, as determined by the county. Before cities or townships can adopt an SSTS ordinance, the county must be consulted and concur with the ordinance.

Subp. 4. Required fiscal and physical capacity for local programs. All local governments that administer SSTS programs must have:

- A. adequate personnel to properly conduct SSTS technical and administrative functions. All local governments that administer SSTS

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programs must have:

(1) at least one certified inspector as described in part 7083.1010, subpart 2, as published in the *State Register*, volume 31, page 1094, and as subsequently adopted, who is employed by the local unit of government or a contracted licensed SSTS inspection business. The person may also be contracted for services by multiple local units of government; and

(2) at least one person who is employed by the local unit of government who has received accredited training on administration of local SSTS programs;

B. an enforceable ordinance that meets the requirements of this chapter; and

C. budget and staff appropriate to administer the provisions of the ordinance.

**Subp. 5. Reporting requirements for all local programs.** Local units of government that administer SSTS programs must provide an annual report to the commissioner. The report must be submitted to the commissioner no later than February 1 for the previous calendar year. The reports must include:

A. a copy of the standard construction permit, operating permit, and inspection forms, if different from previous year's;

B. the name and address of the program administrator, all qualified employees, and contracted licensed businesses authorized to perform services on behalf of the local unit of government;

C. the number of permits issued in the reporting year in the following categories:

	0-2,499 gallons per day	2,500-9,999 gallons per day	Other establishments*
New construction	....	....	....
Replacement systems	....	....	....
Type I	....	....	....
Type II	....	....	....
Type III	....	....	....
Type IV	....	....	....
Type V	....	....	....

\*Other establishments should not also be counted in the appropriate flow category:

D. the percent of new and replacement systems field inspected;

E. the total number of systems serving fulltime residences and seasonal residences;

F. the estimated percentage of existing SSTS in compliance within the local government's jurisdictional boundaries;

G. the number of variances issued from the local SSTS ordinance by type;

H. the number of septic system tanks installed by each licensed installation business or homeowner;

I. the number of systems regulated under an operating permit or enforceable maintenance provisions;

J. for counties, the names of cities and townships that have local ordinances within the county; and

K. a narrative description of problem areas in local SSTS administration.

## 7082.0050 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

### Subpart 1. Adoption of local ordinances.

A. The regulation of SSTS by local governments must be implemented through an ordinance based on the requirements of this chapter, except that counties may choose between options described in subpart 3 or 4 and may also adopt alternative local standards according to subpart 5. Cities and towns must adopt the regulatory option used by the county and must be as strict as the county ordinance.

B. County ordinances that administer SSTS programs must be updated to the standards of chapters 7080 to 7083, as published in the *State Register*, volume 31, pages 1025 and 1088, and as subsequently adopted, within 12 months of the effective date of those chapters. City and township ordinances must be updated no more than 12 months after adoption of the county ordinance in which the city or township is located and must comply with the standards of chapters 7080 to 7083, as published in the *State Register*, volume 31, pages 1025 and 1088, and as subsequently adopted, and must be as strict as the applicable county ordinance.

### Subp. 2. Review by agency.

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A. A copy of all local ordinances regulating SSTS and all future ordinances or amendments must be submitted to the commissioner within 30 days after adoption, accompanied by a completed ordinance review checklist provided by the commissioner.

B. Local ordinances and programs must be reviewed by the commissioner for compliance with this chapter and to ensure that, based on local circumstances in that jurisdiction, the ordinance adequately protects public health and the environment. The commissioner must complete the ordinance review within six months of receipt. Ordinances may be implemented without prejudice during the review process. The commissioner must supply comments on the ordinance to the local unit of government when the review is complete.

C. Local ordinances that do not meet the requirements of this chapter, chapters 7080 and 7081, as published in the *State Register*, volume 31, pages 1025 and 1064, and as subsequently adopted, and *Minnesota Statutes*, section 115.55, may be subject to administrative actions.

Subp. 3. **Conventional programs.** Each SSTS ordinance must have technical standards. Conventional programs are programs that employ ISTS and MSTs technical standards and criteria as specified in chapters 7080 and 7081, as published in the *State Register*, volume 31, pages 1025 and 1064, and as subsequently adopted, and program administrative functions in parts 7082.0100, subparts 1, 2, 3, and 5, and 7082.0300 to 7082.0700.

Subp. 4. **Performance programs.** A county may further choose to develop and implement a comprehensive, performancebased program using ISTS and MSTs designs tailored to adequately protect the public health and the environment based on local environmental sensitivity. Performance programs must meet the requirements of the conventional program plus include provisions necessary to implement part 7082.0100, subpart 4.

Subp. 5. **Requirements for alternative local standards.** Counties may adopt and enforce by ordinance alternative local standards for existing or new construction or replacement of SSTS as part of a conventional program. The alternative local standards must protect public health and the environment as stipulated in *Minnesota Statutes*, section 115.55, subdivision 7, paragraphs (a) and (b), and must comply with items A to F.

A. Alternative local standards must not apply to SWE.

B. Alternative local standards must comply with requirements of other applicable state laws or rules or local ordinances.

C. Local SSTS ordinances with alternative local standards for existing systems must include a time period to upgrade, replace, or discontinue use of a noncomplying system. The draft local ordinance, including the alternative local standards, must be submitted to the commissioner for comment before adoption to demonstrate that, based on local circumstances in that jurisdiction, the alternative local standards adequately protect public health and the environment. Justification for the alternative local standard for existing systems may include:

- (1) soil separation;
- (2) soil classification;
- (3) vegetation;
- (4) system use;
- (5) localized well placement and construction;
- (6) localized density of systems and wells;
- (7) extent of area to be covered by the alternative local standard;
- (8) groundwater flow patterns; and
- (9) existing natural or artificial drainage systems.

D. Counties may adopt alternative local standards for new construction or replacement in areas of sustained and projected low population density where conditions render conformance to this chapter difficult or otherwise inappropriate. Counties seeking to adopt alternative local standards for new construction or replacement must submit the following information to the commissioner:

- (1) population density of the area covered by the alternative local standard;
- (2) reasons why conformance to this chapter is difficult or otherwise inappropriate;
- (3) a description of the hardship that would result from strict adherence to this chapter;
- (4) evidence of sustained and projected low population density;
- (5) evidence that the proposed alternative local standard provides costeffective and longterm treatment alternatives;
- (6) a map delineating the area of the county to be served by the local standard; and
- (7) applicable justifications under item C.

E. All new systems installed under alternative local standards must have operating permits issued by the county that adopted the alternative local standards.

F. If the draft county SSTS ordinance includes alternative local standards for new construction and replacement, the ordinance must be submitted to the local water planning advisory committee created under *Minnesota Statutes*, section 103B.321, subdivision 3, and then submitted with justification to the commissioner at least 30 days before adoption for review and comment demonstrating that the ordinance adequately protects public health and the environment.

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## **7082.0100 REQUIREMENTS FOR LOCAL ORDINANCES.**

**Subpart 1. Requirement.** All SSTS ordinances must contain the provisions in items A to D.

A. A provision requiring the upgrade, replacement, repair, or discontinued use of a system failing to protect groundwater as described in part 7080.1500, subpart 4, item B, as published in the *State Register*, volume 31, page 1031, and as subsequently adopted, within a specified time period after the owner receives a notice of noncompliance.

B. A provision requiring the upgrade, replacement, repair, or discontinued use of a system that represents an imminent threat to public health or safety as described in part 7080.1500, subpart 4, item A, as published in the *State Register*, volume 31, page 1031, and as subsequently adopted, within ten months after the owner receives a notice of noncompliance.

C. A provision requiring that the owner has five years from the date of the bedroom addition permit issuance to upgrade, replace, repair, or discontinue use of the system. This upgrade criterion applies only if:

- (1) the local unit of government issues a permit to add a bedroom;
- (2) the system inspection is triggered by a bedroom addition permit request;
- (3) the system was installed between May 27, 1989, and January 3, 1996;
- (4) the system does not comply with part 7080.1500, subpart 4, as published in the *State Register*, volume 31, page 1031, and as subsequently adopted; and

(5) the system is not an imminent threat to public health or safety as described in part 7080.1500, subpart 4, item A, as published in the *State Register*, volume 31, page 1031, and as subsequently adopted.

D. Local ordinance requirements regulating vertical separation for systems built before April 1, 1996, in non-SWF must meet the requirements in part 7080.1500, subpart 4, item E, as published in the *State Register*, volume 31, page 1031, and as subsequently adopted.

**Subp. 2. List of differences.** A local unit of government must prepare and make available to the commissioner, and to the public upon request, a written list of all technical and administrative differences between its ordinance and chapters 7080 and 7081, as published in the *State Register*, volume 31, pages 1025 and 1064, and as subsequently adopted.

**Subp. 3. Additional ordinance requirements for all programs.**

A. Ordinances adopted by a local unit of government under part 7082.0050 must contain the provisions in subitems (1) to (18).

(1) A provision that requires all design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS to be completed by an appropriately licensed business, an appropriately certified qualified employee, or a person exempted under part 7083.0700, subpart 1, as published in the *State Register*, volume 31, page 1089, and as subsequently adopted. A local unit of government may not require additional local licenses, local registrations, local certificates, or other similar professional credentials to perform SSTS work. The ordinance may require other state-issued licenses or certificates of registration.

(2) A provision that requires abandonment of SSTS, or part thereof, that will no longer be used, according to part 7080.2500, as published in the *State Register*, volume 31, page 1062, and as subsequently adopted.

(3) Technical standards and criteria for new and existing SSTS that adequately protect the public health and environment, as determined by parts 7080.1500, 7080.2150, subpart 2, and 7081.0080, as published in the *State Register*, volume 31, pages 1031, 1051, and 1066, and as subsequently adopted. The ordinance may specifically adopt technical standards in parts 7080.1710 to 7080.2400 and 7081.0110 to 7081.0290, as published in the *State Register*, volume 31, pages 1040-1061, and 1067-1078, and as subsequently adopted.

(4) Whether variances to local ordinance provisions are allowed and, if so, the specific variance procedures required to obtain a variance from local ordinance requirements.

(5) Provisions for design review, permit issuance, construction inspection, and system operation.

(6) A provision that requires that all lots created after January 23, 1996, have a minimum of two soil treatment and dispersal areas that support systems as described in parts 7080.2200 to 7080.2230, as published in the *State Register*, volume 31, pages 1054-1057, and as subsequently adopted, or site conditions described in part 7081.0270, subpart 4, as published in the *State Register*, volume 31, page 1077, and as subsequently adopted, as applicable.

(7) A provision that specifies the conditions necessary to allow the use of holding tanks. The ordinance must specify holding tank operation and maintenance requirements. At a minimum, a monitoring and disposal contract signed by the owner and a licensed maintenance business is required unless the owner is a farmer exempt from licensing under *Minnesota Statutes*, section 115.56, subdivision 2, paragraph (b), clause (3). The homeowner is responsible for ensuring that the contract guarantees the removal of the tank contents before overflow or any discharge.

(8) A provision that prohibits surface discharge of sewage from SSTS unless issued a national pollution discharge elimination system permit by the agency.

(9) A provision specifying the allowable use and location of SSTS in floodplains in compliance with applicable state and local requirements.

(10) A provision requiring that a management plan be developed, reviewed, and approved before issuance of a construction permit for all new or replacement ISTS as described in part 7080.1100, subpart 52, as published in the *State Register*, volume 31, page 1028, and as subsequently adopted.

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(11) A provision requiring operating permits for all systems installed under parts 7080.2290, 7080.2350, and 7080.2400, and chapter 7081, as published in the *State Register*, volume 31, pages 1058, 1059, 1061 and 1064, and as subsequently adopted.

(12) A provision requiring solids removal from septic tanks or determination of the need to remove solids from septic tanks no less than every three years. The ordinance must require removal of solids if the solids accumulation needs to be removed based on part 7080.2450, as published in the *State Register*, volume 31, page 1061, and as subsequently adopted.

(13) A provision requiring that all owners of new or replacement Class V injection wells, as defined in *Code of Federal Regulations*, title 40, part 144, submit inventory information to the Environmental Protection Agency and the agency and that all Class V wells be identified as such in property transfer disclosures.

(14) A provision outlining how conflicting inspections and other technical disputes between SSTS certified individuals will be resolved if they occur as described in part 7082.0700, subpart 5.

(15) A provision specifying what level of local approval is needed for repair, rejuvenation, or remediation of SSTS, as defined in local ordinance.

(16) A provision allowing or disallowing the use of soil texture and structure in Table IX in part 7080.2150, subpart 3, item F, as published in the *State Register*, volume 31, page 1052, and as subsequently adopted, for sizing of soil treatment and dispersal systems.

(17) A determination of whether, or where, additional nitrogen, phosphorus, or other contaminants compliance levels will apply.

(18) A provision that requires all sewage generated in the jurisdiction to be treated either in an agency-permitted facility or a system that meets the requirements of an ordinance adopted under this chapter.

B. Ordinances adopted by a local unit of government under part 7082.0040, subpart 2 or 3, may contain the provisions in subitems (1) to (5).

(1) A provision allowing or disallowing the use of the system types as described in parts 7080.2210 to 7080.2400, as published in the *State Register*, volume 31, pages 1054-1057, and as subsequently adopted.

(2) A provision on the use, prohibition, or restriction of warranted technologies as established in *Minnesota Statutes*, section 115.55.

(3) A provision to regulate the disposal of septage according to federal requirements and appropriate state guidelines.

(4) Provisions that protect the secondary soil treatment and dispersal area for future SSTS use.

(5) In addition to the provision in item A, subitem (6), a provision to require enough land area to support the proposed improvements, plus the area needed for the two soil treatment areas. The ordinance may also contain a provision on the action needed in the event that the lot was created according to item A, subitem (6), but the lot's soil treatment and dispersal area was subsequently damaged or disturbed.

Subp. 4. **Ordinance requirements for performance programs.** Performance programs must meet the requirements of subpart 3 and items A to J.

A. An education program must be established to educate owners on the purpose, use, and care of SSTS and notify owners of impending scheduled submittals of compliance monitoring reports.

B. A program must be established to evaluate potential risks of SSTS-receiving environments, inform the local planning authority of changes in regulations, and evaluate the potential impacts of SSTS regulation changes on land use.

C. A program must be established to determine performance requirements necessary to protect public health and water resources for each defined receiving environment in the regulatory jurisdiction. At a minimum, the performance requirements must protect underground sources of drinking water according to chapter 4717 and protect surface waters according to chapter 7050.

D. The ordinance must establish site evaluation requirements that define the process to characterize the receiving environment.

E. A program must be established to administer renewable operating permits issued to system owners, stipulating system performance and compliance monitoring requirements renewable upon documentation of compliance with operating permit stipulations. The program must provide for tracking and reviewing compliance monitoring reports for timely submittal by owners and ensuring the system is operating within its performance requirements stipulated in the operating permit.

F. A program must be established to track residuals hauling, treatment, and disposal according to *Code of Federal Regulations*, title 40, part 503, and Use and Disposal of Sewage Sludge, *Code of Federal Regulations*, title 40, part 257, and applicable state, tribal, and local requirements.

G. A program must be established for notifying owners of pending scheduled submittals of compliance monitoring reports and performing system inspections randomly or at the time of operating permit renewal.

H. An enforcement program must be established that includes penalties for failure to comply with the compliance schedule and requires system assessments by a certified inspector at the time of operating permit renewal.

I. A recordkeeping program must be established that includes a database inventory of all systems, including locations, site evaluations, record drawings, permits, and inspection reports, tracking for operating permits, and compliance reporting.

J. A financial assistance and funding program must be established providing the legal and financial support to sustain the management program.

Subp. 5. **More restrictive.** Technical or administrative requirements in local ordinances may be more restrictive than this chapter.

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## **7082.0300 LOCAL PROGRAM ADMINISTRATION.**

### **Subpart 1. Variance from requirements of this chapter.**

A. A local unit of government may request a variance from the commissioner from the standards in this chapter or request a variance to the public health or environmental protection standards in parts 7080.2150, subpart 2, and 7081.0080, subparts 2 to 5, as published in the *State Register*, volume 31, pages 1051 and 1066, and as subsequently adopted.

B. Before granting a requested variance, the commissioner must find that by reason of exceptional circumstances, the strict enforcement or strict conformity with this chapter or public health or environmental standards would be unreasonable, impractical, or not feasible under the circumstances. The commissioner may permit a variance under part 7000.7000 in harmony with the general purpose of this chapter and chapters 7080 and 7081, as published in the *State Register*, volume 31, pages 1025 and 1064, and as subsequently adopted, and the intent of applicable state laws. The variance request must contain, as applicable:

- (1) the specific provision in the rule or rules from which the variance is requested;
- (2) the reasons why compliance with the rule is difficult or inappropriate;
- (3) a description of the hardship that prevents compliance with the rule;
- (4) the alternative measures that will be taken to ensure a comparable degree of compliance with the intention of the applicable chapter;
- (5) the length of time for which the variance is requested;
- (6) cost considerations; and
- (7) other relevant information requested by the commissioner as necessary to properly evaluate the variance request.

C. Variances must be submitted to and approved by the commissioner prior to implementation.

### **Subp. 2. Prohibited variation.**

A. Local ordinances or locally issued variances may not deviate from flow determinations under part 7081.0110, as published in the *State Register*, volume 31, page 1067, and as subsequently adopted, if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less without approval of the commissioner.

B. Programs adopted under part 7082.0100, subpart 3, must not issue variances from provisions in part 7080.2150, subpart 2, or 7081.0080, subparts 2 to 5, as published in the *State Register*, volume 31, pages 1051 and 1066, and as subsequently adopted.

C. Only the governing state agency or locally delegated authority may issue variances to chapters 4715, 4720, 4725, 6105, and 6120.

**Subp. 3. Variation from local ordinance requirements.** Variances to standards and criteria not listed in subpart 2 may be granted on a site-by-site basis by the local unit of government, if applicable local variance procedures are followed.

**Subp. 4. Record keeping requirements.** Local units of government must maintain records 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:

A. site evaluation reports, including items identified in parts 7080.1730 and 7081.0200, as published in the *State Register*, volume 31, pages 1043 and 1074, and as subsequently adopted;

B. design reports for items identified in parts 7080.2430 and 7081.0270, subpart 10, as published in the *State Register*, volume 31, pages 1061 and 1078, and as subsequently adopted;

C. as-built drawings;

D. management plans and results for approved management plans; and

E. an annual list of all sewage system tanks installed in the jurisdiction, sorted by the licensed installation business.

**Subp. 5. Enforcement of local ordinances.** Local units of government shall administer local programs and enforce local ordinances that regulate SSTS as adopted in compliance with this chapter. Local units of government may also enforce local ordinances under *Minnesota Statutes*, section 115.071, subdivisions 3 and 4.

## **7082.0500 PERMIT PROGRAM FOR SSTS.**

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

A. Local units of government shall enforce local ordinances that regulate SSTS through permitting programs that meet the minimum requirements of this chapter.

B. A local unit of government with an SSTS ordinance adopted under part 7082.0040, subparts 2 and 3, must have a permit program that specifically addresses the following:

- (1) permit application requirements;
- (2) site, design, and soil review and approval requirements and procedures;
- (3) record keeping; and
- (4) reporting to the commissioner.

C. Permits must be required for all new construction and replacement. Permits may be required for all or certain types of SSTS repairs.

D. A local unit of government with a local ordinance to regulate bedroom additions must comply with subpart 3, item C.

### **Subp. 2. SSTS permit application requirements.**

A. SSTS permit applications must require the submittal of exhibits necessary for issuing a permit as described in this chapter, along with general requirements for identifying the property and owners, a site evaluation report, a design report, a management plan, and any other information requested by the local unit of government pertinent to this process. Exhibits for site evaluation, design, and applicable construction information must be complete and include a certified statement from the certified person who conducted or oversaw the work. An approval process must be developed to address changes in the approved design that served as the basis for issuing a permit.

B. Local units of government must require, review, and approve the technical basis for Type II to Type V systems as listed in parts 7080.2250 to 7080.2400, as published in the *State Register*, volume 31, pages 1057-1061, and as subsequently adopted.

**Subp. 3. Permit approval requirements and procedures.** The permit program must include the requirements in items A to C.

A. A qualified employee or licensed inspection business who is authorized by the local unit of government must review the permit application to determine whether site evaluation procedures, observations, and conclusions are accurate and fulfill applicable requirements, which include an infield verification of the seasonally saturated soil or bedrock at the proposed soil treatment and dispersal sites and any other exhibits, and whether the proposed system will meet applicable requirements. An MSTs inspector is required to perform the duties listed in this item for MSTs. The infield verification of the seasonally saturated soil or bedrock may occur at any point prior to issuance of the certificate of compliance.

B. The local unit of government must review and approve or deny the permit application and management plan before issuing a construction permit. Construction must not be initiated until a construction permit is granted. Final approval of the system must be evidenced by issuance of a certificate of compliance.

C. Local units of government shall not issue a permit for a bedroom addition on property served by a system unless the SSTS is in compliance with applicable requirements, as evidenced by a certificate of compliance. A local unit of government may temporarily waive the certificate of compliance requirement in this item for a bedroom addition permit for which application is made during the period from November 1 to April 30, provided a compliance inspection of the system is performed by the following June 1 and the applicant submits a certificate of compliance by the following September 30. This item does not apply if the local unit of government does not have an ordinance requiring a permit to add a bedroom.

## **7082.0600 SYSTEM MANAGEMENT.**

### **Subpart 1. Management plans.**

A. Local units of government shall require management plans for all new or replacement SSTS as described in parts 7080.2210 to 7080.2300, as published in the *State Register*, volume 31, pages 1054 -1059, and as subsequently adopted. These plans must be submitted and approved before issuance of a construction permit. The approved management plan must be reviewed and signed by the owner before issuance of the construction permit.

B. Management plans must include:

- (1) maintenance requirements, including frequency;
- (2) operational requirements, including which tasks the owner can perform and which tasks a licensed service provider or maintainer must perform;
- (3) monitoring requirements;
- (4) requirements that the owner notify the local unit of government when management plan requirements are not met;
- (5) disclosure of the location and condition of the additional soil treatment and dispersal area on the lot or serving that residence; and
- (6) other requirements as determined by the local unit of government.

C. Management plans may be modified as necessary and reapproved by the local unit of government.

### **Subp. 2. SSTS operating permits.**

A. Local units of government must issue and enforce an operating permit for SSTS specified in parts 7080.2290, 7080.2350, and 7080.2400, and chapter 7081, as published in the *State Register*, volume 31, pages 1058, 1059 and 1061, and as subsequently adopted, and any other system deemed to require operational oversight as determined by the local unit of government. If the local unit of government does not have the resources or desire to provide adequate oversight of systems requiring an operating permit, those systems or technologies must not be installed in that jurisdiction. Operating permits may be modified as necessary and reapproved by the local unit of government.

B. An operating permit must include:

- (1) maintenance requirements, including frequency of maintenance;
- (2) operational requirements;
- (3) monitoring requirements;
- (4) compliance limits and compliance boundaries;
- (5) reporting frequency;
- (6) a requirement that the permittee notify the local unit of government when permit requirements are not met. Corrective actions must be taken as directed by the local unit of government;

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(7) disclosure of the location and condition of the additional soil treatment and dispersal system; and

(8) stipulation of acceptable and prohibited discharges.

## **7082.0700 INSPECTION PROGRAM FOR SUBSURFACE SEWAGE TREATMENT SYSTEMS.**

Subpart 1. **Inspection requirements.** Local units of government must have an inspection program to enforce requirements under this chapter. The inspection program must specify the frequency and times of inspections, specify the requirements of an inspection, establish an inspection protocol, provide for when an inspection cannot be completed in a timely manner, and, at a minimum, include the requirements for a compliance inspection under subparts 2 and 3, except for subpart 3, item E.

### **Subp. 2. Compliance inspection.**

A. A compliance inspection must be conducted:

(1) to ensure compliance with applicable requirements;

(2) to ensure compliance before issuance of a permit for the addition of a bedroom on property served by an SSTS, if the local unit of government issues permits for the addition of a bedroom, unless the requirements under part 7082.0500, subpart 3, item C, are met;

(3) for all new construction or replacement;

(4) by a qualified employee or licensed inspection business, authorized by the local unit of government, who is independent of the owner and the installer; and

(5) for an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure if conducted by a party who is not the system owner. This disclosure action constitutes a compliance inspection and must be conducted according to this chapter.

B. A licensed inspection business that inspects an existing SSTS may subsequently design and install a new SSTS for that property, provided the inspection business is also licensed to design and install. A person working for or on behalf of a local unit of government may not use the person's position to solicit for private business gain.

C. The construction inspection requirement may be satisfied by a review by the designated local official of video, electronic, photographic, or other evidence to show compliance as provided by the installation business.

### **Subp. 3. Certificate of compliance; notice of noncompliance; new construction or replacement.**

A. SSTS in compliance with applicable requirements must be issued a certificate of compliance and systems found not in compliance must be issued a notice of noncompliance. SSTS not in compliance with part 7080.1500, subpart 4, item A, or 7081.0080, subpart 3, as published in the *State Register*, volume 31, pages 1031 and 1066, and as subsequently adopted, must be repaired or replaced within ten months or as directed under *Minnesota Statutes*, chapter 145A. Systems out of compliance with other applicable requirements must be repaired or replaced according to local ordinance requirements. Systems issued a notice of noncompliance for operational or monitoring deficiencies must immediately be maintained, monitored, or managed according to the operating permit.

B. The initial certificate of compliance may be issued if reasonable assurance is evident that the system was built according to applicable requirements as specified in the construction permit.

C. Local units of government shall develop a certificate of compliance document or use a certificate of compliance developed by the agency. The certificate of compliance must include the vertical separation distance report described in subpart 4, item B, subitem (2), and the management plan developed under part 7082.0600, subpart 1. All certificates of compliance and notices of noncompliance must include property and property owner identification, date of inspection, system components, system location (dimensioned or drawn to scale), well setback distance, field check of soil conditions, SWF designations as applicable, and Class V designation as applicable.

D. A certificate of compliance or notice of noncompliance for new construction or replacement must be signed by a licensed inspection business or by a qualified employee certified as an inspector who is authorized by the local unit of government. The certificate of compliance or notice of noncompliance must be submitted to the local unit of government no later than 15 business days after any compliance inspection. The certificate of compliance or notice of noncompliance must be submitted to the owner or owner's agent within 15 business days.

E. A certificate of compliance or notice of noncompliance must include a certified statement from the certified individual or qualified employee who conducted the compliance inspection and indicate whether the SSTS is in compliance with local ordinance requirements.

F. If a compliance inspection indicates that the system is not in compliance with applicable requirements, the notice must contain a statement to this effect and specify what must be done to achieve compliance.

G. Certificates of compliance for new construction or a replacement system remain valid for five years from the date of issuance unless the local unit of government finds evidence of noncompliance.

### **Subp. 4. Certificate of compliance; notice of noncompliance; existing systems.**

A. The agency's existing SSTS inspection report forms shall be used for existing system compliance inspections. Local existing system inspection forms may also be required.

B. An inspection for existing SSTS must verify the conditions in subitems (1) to (5).

(1) Sewage tanks must be assessed for leakage below the operating depth. A watertightness report must be completed that includes the method or methods used to make the assessment. The assessment may be made by any licensed SSTS business, except a design

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business, or made by a qualified employee with an SSTS certification, except as a designer. A passing report is valid for three years unless the certified individual has reason to believe that a new inspection is to be conducted and the tank is found not to be watertight.

(2) The vertical separation distance from the bottom of the soil treatment and dispersal system and the seasonally saturated soil or bedrock must be verified by two independent parties. The system designer's soil borings qualify as one verification. A vertical separation distance report must be completed that includes the method or methods used to make the assessment. The assessment may be made by a licensed inspection business or a qualified employee inspector. If the verification separation report consists of verifications by two independent parties, a subsequent verification is not required unless the inspector has reason to believe a noncompliant condition exists. The allowable verifications for the vertical separation report may be past soil borings used for design purposes or past soil borings from previous compliance inspections, if the verification was conducted by a party independent of the party conducting the previous inspection. In these cases, the past soil borings must be attached to the vertical separation report.

(3) Sewage backup, surface seeping, or surface discharge from the system must be determined. A hydraulic function report must be completed that includes the method or methods used to make the assessment. The assessment may be made by a licensed inspection business or a qualified employee with an inspector certification. A passing report is valid until a new inspection is requested or if the hydraulic performance is believed to have changed.

(4) Compliance with the system operational and maintenance requirements must be determined. An operation and maintenance report must be completed that includes the method or methods used to make the assessment. The assessment must be made by a licensed inspection business or a qualified employee inspector.

(5) The verification of proper management of a system must be conducted by a licensed operation business or qualified employee operator if the system requires an operator. A passing report is valid until a new inspection is requested and becomes invalid if future required monitoring does not take place or monitoring results indicate noncompliance. If required maintenance is not up to date at the time of inspection, the maintenance activities must be performed at the time of the inspection and an assessment made by the inspector or operator as to whether the system can again be in compliance, provided required maintenance is performed in the future.

C. A certificate of compliance shall be based on the results of the verifications in item B. The certificate of compliance or notice of noncompliance must be signed by a licensed inspection business or a qualified employee certified as an inspector. The certificate or notice must be submitted to the local unit of government with jurisdiction and the property owner or owner's agent no later than 15 days after a compliance inspection. The completed form must also be submitted to the owner or owner's agent. The certificate of compliance is valid for three years from the date of issuance, even if one of the supporting reports expires before the three-year period, unless an inspector finds evidence of noncompliance.

D. If a compliance inspection indicates that the system is noncompliant, the notice must contain a statement to that effect and specify what must be done to achieve compliance.

## Subp. 5. Seasonally saturated soil disagreements.

A. If a documented discrepancy arises on the depth of the seasonally saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the procedure outlined in this subpart.

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

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

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

(a) Obtain an opinion from a qualified employee of the local permitting authority with jurisdiction, if the local permitting authority is willing to provide an opinion.

(b) Obtain an opinion from an SSTS technical evaluation committee, if a committee has been developed for this purpose and is available and willing to render an opinion. The committee must be created in cooperation with the commissioner.

(c) Obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by, both parties.

(d) If options under unit (a) or (b) are not viable, an opinion must be rendered under unit (c).

(4) If opinions rendered in subitem (2) or (3) do not resolve the dispute, all initial and follow-up documents and information generated must be submitted to the local unit of government. The local unit of government shall take into consideration all information and opinions rendered and make a final judgment. The local unit of government shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions it renders.

B. If a documented discrepancy arises on the depth of the seasonally saturated soil between an SSTS licensed business and a local unit of government for SSTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.

(1) The local unit of government and the licensed business must meet at the disputed site in an attempt to resolve differences.

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

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(3) If opinions in subitem (2) are not sought or do not resolve the dispute, the local unit of government shall take into consideration all information and opinions rendered and make a final judgment. The local unit of government shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions they render.

C. Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the local unit of government and all other parties involved.

## Pollution Control Agency Proposed Permanent Rules Relating to Subsurface Sewage Treatment Systems

### CHAPTER 7083 SUBSURFACE SEWAGE TREATMENT SYSTEMS LICENSING AND CERTIFICATION PROGRAM

#### 7083.0010 PURPOSE AND INTENT.

The proper location, design, installation, use, and maintenance of a subsurface sewage treatment system (SSTS) protects the public health, safety, and general welfare by the discharge of adequately treated sewage to the groundwater. In order to reasonably accomplish the proper location, design, installation, operation, and maintenance of an SSTS, the Pollution Control Agency provides in this chapter criteria for certifying trained individuals and licensing SSTS businesses.

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

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

It is the intent of this chapter to provide standards for adequate training, experience, continuing education, insurance, and bonding for SSTS businesses and certified individuals. These standards also present the foundation for enforceable violations along with the agency's enforcement procedures. The agency's enforcement program may require assistance from local units of government to file complaints and gather evidence against those in violation of local SSTS ordinances.

#### 7083.0020 DEFINITIONS.

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

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

Subp. 3. **Apprentice.** "Apprentice" means an individual who meets the requirements in part 7083.1090 by completing training, passing the examination, and gaining experience under part 7083.1050, subpart 2.

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

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

Subp. 6. **ISTS.** "ISTS" means an individual sewage treatment system as defined under part 7080.1100, subpart 47, as published in the *State Register*, volume ..., page ..., and as subsequently adopted.

Subp. 7. **Licensee.** "Licensee" means a person to whom a license is issued under this chapter.

Subp. 8. **Mentor.** "Mentor" is a person who holds a mentor designation as described in part 7083.2000 and provides mentorship.

Subp. 9. **Mentorship.** "Mentorship" means the provision of personal supervision to an individual who is seeking to gain qualifying work experience to become a certified individual.

Subp. 10. **MSTS.** "MSTS" means a mid-sized SSTS as defined in part 7081.0020, subpart 5, as published in the *State Register*, volume 31, page 1065, and as subsequently adopted.

Subp. 11. **Qualified employee.** "Qualified employee" means a state or local government employee who designs, installs, maintains, pumps, or inspects SSTS as part of the person's employment duties.

Subp. 12. **Subsurface sewage treatment system or "SSTS."** "Subsurface sewage treatment system" or "SSTS" means an individual sewage treatment system as defined in part 7080.1100, subpart 47, as published in the *State Register*, volume 31, page 1027, and as

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subsequently adopted, or a mid-sized sewage treatment system as defined in part 7081.0020, subpart 5, as published in the *State Register*, volume 31, page 1065, and as subsequently adopted, as applicable.

**Subp. 13. Subsurface sewage treatment system business or SSTS business.** “Subsurface sewage treatment system business” or “SSTS business” means a business that designs, installs, maintains, repairs, pumps, operates, or inspects an SSTS as appropriate with the organization’s license and qualifications.

## **7083.0040 ADMINISTRATION BY AGENCY.**

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

**Subp. 2. Variance procedures.**

**A.** In certain cases, the commissioner may grant a variance to SSTS businesses, certified individuals, or apprentices from the standards in this chapter. This variance provision is not intended to provide relief from missed expiration dates or enforcement actions.

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

- (1) the specific provision in the rule or rules from which the variance is requested;
- (2) the reasons why the rule is unreasonable, impractical, or not feasible under the circumstances and state the underlying circumstances;
- (3) a description of the hardship that compliance with the rule presents;
- (4) the alternative measures that will be taken to ensure a comparable degree of compliance with the intention of the chapter;
- (5) the length of time for which the variance is requested;
- (6) a statement that the party applying for the variance will comply with the terms of the variance, if granted; and
- (7) economic considerations.

**C.** In addition to the variance information required in item B, the commissioner may also require the requesting party to submit other relevant information as necessary to properly evaluate the variance request.

## **7083.0700 LICENSES.**

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

- A.** an individual who is a qualified employee performing work as directed by a state or local government employer;
- B.** an individual who, after obtaining a signed site evaluation and design report from a licensed design business, constructs an ISTS to serve a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual. Any assistance provided to the system owner in construction of a system under this item must be performed by a licensed installation business;
- C.** an individual who performs labor or services as an employee of a licensed SSTS business;
- D.** a farmer who pumps septage from an ISTS that serves dwellings or other establishments that are owned or leased by the farmer and applies septage on land that is owned or leased by the farmer;
- E.** a property owner who personally gathers existing information, evaluates, and investigates an ISTS to provide a disclosure as defined in *Minnesota Statutes*, section 115.55, subdivision 6, for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual;
- F.** an individual or business who abandons an SSTS;
- G.** an individual who maintains a toilet waste treatment device for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual; or
- H.** an individual who performs tasks identified in the system’s management plan that do not require a maintainer or service provider license for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual.

**Subp. 2. Land application.** Land application of stored septage must be conducted by a Type IV operator certified under chapter 7048.

## **7083.0710 CATEGORIES, AUTHORIZATIONS, AND RESPONSIBILITIES.**

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

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## **7083.0720 REQUIREMENTS FOR SSTS LICENSED BUSINESSES.**

A licensed business must:

- A. ensure that all SSTS work is conducted according to applicable requirements;
- B. ensure that the business's certified individuals or apprentices fulfill the conditions under parts 7083.0710 to 7083.0800;
- C. designate an adequate number of certified individuals to meet the requirements under this chapter;
- D. maintain the bond and insurance required under part 7083.1000;
- E. prepare and submit written reports according to local ordinance requirements and requirements in this chapter and chapters 7080 and 7081, as published in the *State Register*, volume 31, pages 1025 and 1064, and as subsequently adopted;
- F. notify the commissioner in writing within 30 days if the business has:
  - (1) a change of address;
  - (2) a change in certified individuals; or
  - (3) a change in bond or insurance coverage; and
- G. maintain all reports for a minimum of five years.

## **7083.0730 REQUIREMENTS FOR CERTIFIED INDIVIDUALS.**

A certified individual must:

- A. provide direction and personal supervision to noncertified employees working on an SSTS;
- B. ensure the work completed meets applicable requirements; and
- C. complete a certified statement for required reports.

## **7083.0740 DESIGN LICENSE.**

Subpart 1. Authorization.

A. A basic licensed design business may conduct site and soil evaluations, design systems, and write management plans for a Type I, II, or III ISTS as described under part 7080.2200 to 7080.2300, as published in the *State Register*, volume 31, pages 1054 - 1057, and as subsequently adopted, serving dwellings or other establishments with an average daily flow of 2,500 gallons or less.

B. An advanced licensed design business may conduct site and soil evaluations, design systems, and write management plans for Type I to Type V systems as described in parts 7080.2200 to 7080.2400, as published in the *State Register*, volume 31, pages 1054-1061, and as subsequently adopted, serving dwellings or other establishments with an average daily flow of 2,500 gallons per day or less.

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

Subp. 2. Responsibilities. All design licensees must:

- A. inform the proposed system owner of:
  - (1) the classification of the system under parts 7080.2200 to 7080.2400, as published in the *State Register*, volume 31, page 1054-1061, and as subsequently adopted; and
  - (2) the estimated costs for construction, operation, monitoring, service, component replacement, and management and the anticipated system life; and
- B. provide written reasonable assurance of system performance to the local unit of government including, but not limited to:
  - (1) adherence to system type requirements; or
  - (2) technical basis for design elements for Type II to Type V systems.

Subp. 3. Certified designers. Certified designers must review soil and site evaluations and designs by noncertified employees. This review includes both verification of field observations and conclusions and design assumptions and calculations.

## **7083.0750 INSPECTION LICENSE.**

Subpart 1. Authorization.

A. A licensed inspection business may conduct compliance inspections and issue written certificates of compliance and notices of noncompliance for an existing ISTS described in part 7083.0740, subpart 1, items A and B. An inspection business may install a new system for a property in which the business has conducted an existing ISTS compliance inspection, provided the business holds the appropriate licenses. A licensed inspection business may be authorized to review and approve site evaluations and designs, inspect new construction and replacement systems, review management plans, and issue written certificates of compliance and notices of noncompliance for systems described in part 7083.0740, subpart 1, items A and B, on behalf of a local unit of government.

B. A licensed MSTs inspection business may conduct compliance inspections and issue written certificates of compliance and notices of noncompliance for an existing MSTs described in part 7083.0740, subpart 1, item C. An inspection business may install a new system for a property in which the business has conducted an existing system compliance inspection, provided the business holds the appropriate licenses. A licensed MSTs inspection business may be authorized to review and approve site evaluations and designs, inspect new

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construction and replacement systems, review management plans, and issue written certificates of compliance and notices of noncompliance for systems described in part 7083.0740, subpart 1, item C, on behalf of a local unit of government.

**Subp. 2. Responsibilities.** Inspection and MSTS inspection licensees must submit the agency's existing inspection form to the local unit of government and the property owner within 30 days after any existing system compliance inspection.

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

## 7083.0760 INSTALLATION LICENSE.

**Subpart 1. Authorization.** A licensed installation business may construct, install, alter, extend, maintain, or repair all SSTS according to an approved design.

**Subp. 2. Responsibilities.** Installation licensees must:

- A. ensure all work is done according to an approved design report;
- B. notify the local unit of government when work is in need of required inspections;
- C. provide as-built drawings to the owner and local unit of government within 30 days of system installation;
- D. maintain quality control and quality assurance records for five years;
- E. provide system owners with information concerning system operation and maintenance;
- F. ensure that all construction activities comply with applicable storm water regulations;
- G. institute no change from the signed and approved design report until the proposed change is made by the designer and approved by the local unit of government;
- H. negotiate with the system owner to determine who will be responsible for seeding, erosion and frost protection, watering, and other vegetation establishment activities; and
- I. pay the septic system tank fee and submit the form according to *Minnesota Statutes*, section 115.551, including notification if no tanks were installed during the reporting year. The form and payment are due to the commissioner by January 31 for the previous calendar year's installations.

**Subp. 3. Certified installers.** Certified installers must be at the worksite to meet supervision needs as determined by the training and experience level of the crew and local requirements and to ensure that the installation, alteration, or extension of an SSTS is in accordance with an approved design report and permit. The certified installer must prepare quality control and quality assurance records and prepare and sign asbuilt drawings. The certified installer must personally determine, supervise, and verify:

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

## 7083.0770 MAINTENANCE LICENSE.

**Subpart 1. Authorization.** A licensed maintenance business may measure scum and sludge depths in sewage tanks for the accumulation of solids and removing these deposits; remove solids and liquids from toilet waste treatment devices; transport septage; land apply septage or dispose of septage in a treatment facility; identify problems related to sewage tanks, baffles, maintenance hole covers, extensions, and pumps and make the repairs; evaluate sewage tanks, dosing chambers, distribution devices, valve boxes, or drop boxes for leakage; identify cesspools, seepage pits, leaching pits, and drywells; and clean supply pipes and distribution pipes for all SSTS.

**Subp. 2. Responsibilities.** Maintenance licensees must:

- A. record pump-out date, gallons removed, any tank leakage below or above the operating depth, the access point used to remove the septage, the method of disposal, the reason for pumping, and any troubleshooting or repairs conducted. This information must be submitted to the homeowner within 30 days after the maintenance work is performed. Maintenance business pumping record information must be maintained by the business for a period of five years;
- B. observe and provide written reports of any noncompliance to the system owner within 30 days;
- C. report new service contracts entered into or cancellation of current service contracts to the local unit of government within 30 days after the maintenance work is performed; and
- D. obtain a signed statement if the owner refuses to allow the removal of solids and liquids through the maintenance hole.

**Subp. 3. Certified maintainers.** Certified maintainers must provide proper training, daily review of work, and periodic observation of work conducted by noncertified individuals. Certified maintainers are responsible for conducting or supervising:

- A. the measurement of scum and sludge depths;

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- B. the making of sensory observations if nondomestic wastes may have been discharged into the system;
- C. the identification of problems and watertightness related to sewage tanks;
- D. the assessment of the condition of baffles, effluent screens, maintenance hole covers, and extensions;
- E. the removal of septage; and
- F. the land application of septage or disposal in a treatment facility.

## **7083.0780 SERVICE PROVIDER LICENSE.**

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

Subp. 2. Responsibilities. Service provider licensees must:

A. report sampling results, operational observations, system adjustments, and other management activities in compliance with local ordinances, management plans, or operating permit requirements;

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

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

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

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

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

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

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

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

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

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

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

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

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

## **7083.0790 OTHER WORK.**

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

## **7083.0800 RESTRICTED LICENSES.**

The commissioner may add restrictions to a license for the following reasons:

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

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

C. as a method to limit the scope of the work to be conducted under the license to coincide with restrictions placed on the certified individual according to part 7083.2010, subpart 6.

## **7083.0900 APPLICATION FOR LICENSE; FEES; RENEWAL.**

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

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

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

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

Subp. 2. Requirements for obtaining or renewing licenses. A business that meets the eligibility requirements under subpart 1 may apply for or renew a license on forms provided by the commissioner. The application must be submitted to the agency no later than 60 days prior to the expiration or renewal date. Issuance of a new license also requires a 60-day review and approval period.

Subp. 3. Fees. The annual SSTS license fee is \$100 for each license category under parts 7083.0710 to 7083.0800. The annual license

fee for a business with multiple licenses shall not exceed \$200.

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

**Subp. 5. Term.** A license is valid for one year after the date of issuance. License renewals may be requested for longer periods up to three years. The fee is determined by multiplying the approved number of years by the fee in subpart 3.

**Subp. 6. Denial.** The commissioner shall deny an application for issuance or renewal of a license if the applicant is not eligible under subpart 1. A license application may also be denied as the result of an enforcement action under part 7083.2020. A pending denial based on part 7083.2020 may not be issued before an opportunity is provided for a contested case hearing complying with *Minnesota Statutes*, chapter 14.

## **7083.1000 BONDING AND INSURANCE FOR SSTS LICENSED BUSINESSES; LIABILITY.**

### **Subpart 1. Bond and insurance requirements.**

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

**B.** To be eligible for SSTS licensing, proof of general liability insurance must be evidenced by a certificate of insurance form that shows the minimum coverage that will be in effect for at least the term of the license. The licensee is responsible for providing written notice to the commissioner within 30 days of cancellation or change in liability insurance. If the insurance is canceled or the amount of coverage is reduced to less than the amounts in item A, the license immediately and automatically becomes invalid and the business must not perform SSTS work until the business obtains insurance meeting the requirements of this part and submits notification of insurance coverage to the commissioner.

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

Table I

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

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

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

**F.** The corporate surety bond must be signed by an official of the business who is legally authorized to represent the business and must list a contact if a claim is to be filed.

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

### **Subp. 2. Bond use.**

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

**B.** A person suffering a loss from the principal failing to act according to item A may petition the corporate surety and may be granted payment of the bond.

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

**Subp. 4. Notification of bond actions.** The corporate surety must provide written notice to the commissioner within 30 days of cancellation or reduction of a licensee's bond. If a corporate surety bond is canceled or the amount of coverage is reduced to less than the amounts in subpart 1, Table I, the license immediately and automatically becomes invalid and the business must not perform SSTS work

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until the business obtains another corporate surety bond meeting the requirements of this part and submits notification of renewed bond coverage to the commissioner. The corporate surety must notify the principal of any claims pending against the bond within five days of the receipt of the claim and notify the principal of any payments made against the bond within five days of payment.

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

## **7083.1010 QUALIFIED EMPLOYEE REQUIREMENTS.**

A qualified employee must fulfill the applicable responsibilities under parts 7083.0710 to 7083.0800 that are applicable to the work being performed. Qualified employees must be certified with specialty area certifications applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area certifications applicable to the work to be completed, has fulfilled the requirement under part 7083.1050, subpart 2, and has been issued performance restrictions.

## **7083.1020 SSTS INDIVIDUAL CERTIFICATION AND TRAINING PROGRAM.**

Subpart 1. **Purpose.** Parts 7083.1020 to 7083.1090 establish the SSTS individual certification and training program. This program establishes training, experience, and examination requirements for SSTS individual certification. An individual may be certified in the following specialty areas:

- A. designer;
- B. advanced designer;
- C. MSTs designer;
- D. inspector;
- E. MSTs inspector;
- F. installer;
- G. maintainer; and
- H. service provider.

Subp. 2. **Program components.** An individual must successfully complete the following components for a specialty area to qualify for certification in that specialty area:

- A. training described under part 7083.1030;
- B. examination described under part 7083.1040;
- C. experience described under part 7083.1050; and
- D. continuing education described under part 7083.1060.

Subp. 3. **Application.** An individual who qualifies under subpart 2, items A to C, for a specialty area may apply to be certified by the commissioner according to part 7083.1080. Individuals who complete subpart 2, items A and B, for a specialty area may apply to receive an apprentice designation according to part 7083.1090.

Subp. 4. **Certification period.** A certification issued by the commissioner is valid for a three-year period.

Subp. 5. **Applicable certification specialty area.** In the case of SSTS work not described under parts 7083.0710 to 7083.0800, the commissioner shall determine which certification specialty area is applicable.

## **7083.1030 TRAINING.**

Subpart 1. **Required training.** To fulfill the training requirement for one or more specialty areas under the certification and training program, an individual must successfully complete formal coursework that covers basic SSTS knowledge and specialty area training as described in items A and B.

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

B. SSTS specialty area certifications must have formal training to perform the required responsibilities for each specialty area in parts 7083.0710 to 7083.0800. Advanced and MSTs designers must receive training in a specific technology before designing and writing a management plan for that technology.

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

## **7083.1040 EXAMINATION.**

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

passing score of 70 percent or greater to qualify for certification and apprentice designation. The commissioner may require a passing score of 70 percent or greater on any portion or subpart of an examination, which focuses on a critical skill component, in order to pass the entire examination.

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

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

## **7083.1050 EXPERIENCE.**

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

- A. complete the experience requirement according to one of the methods under subpart 2;
- B. complete the amount of experience according to subpart 5;
- C. acquire necessary experience within the six years immediately preceding submission of the completed certification application; and
- D. complete and submit the documentation requirements under subpart 4.

**Subp. 2. Options to gain experience.** The experience needed to qualify for a specialty area may be acquired by one of the methods in items A to D.

A. Experience may be completed as an employee or worker of a licensed SSTS business under an experience plan as described in subpart 3.

B. Experience may be gained as an apprentice under a restricted license. Qualifying experience under a restricted license must be completed under an experience plan as described in subpart 3.

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

D. Experience may be gained through a method approved by the commissioner.

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

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

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

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

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

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

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

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

**Subp. 4. Experience plan reporting.**

A. All work used to gain experience for certification must be documented. Documentation shall include all information, records, or other documents required by this chapter or chapters 7080 to 7082, as published in the State Register, volume 31, page 1025 - 1079, and as subsequently adopted. The documentation must be submitted to the commissioner from a minimum of five jobs along with the experience

# Proposed Rules

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plan from those same jobs. The documentation must provide the basis for approval or denial of a certification.

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

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

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

## **Subp. 5. Amount of experience.**

A. An applicant for certification as a designer must have co-completed with a mentor a minimum of 15 ISTS site and soil evaluations, designs, and management plans for a Type I, II, or III system, as defined under parts 7080.2200 and 7080.2300, as published in the *State Register*, volume 31, pages 1054 - 1057, and as subsequently adopted, with a minimum of one aboveground system design, and a minimum of one belowground system design. An applicant must observe five installations and five service or operational instances, with mentorship not required. No additional experience is required to qualify for the advanced or MSTTS designer certification.

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

C. An applicant for certification as an inspector must have co-completed with a mentor a minimum of 15 inspections of Type I to V systems. No additional experience is required to qualify for an MSTTS certification.

D. An applicant for certification as a maintainer must have co-completed with a mentor a minimum of 15 pumpouts with properly disposed of septage.

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

## **7083.1060 CONTINUING EDUCATION.**

### **Subpart 1. Renewal requirements.**

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

B. An individual with a maintainer certification must complete nine hours of continuing education related in general to SSTS or six hours of continuing education specifically related to SSTS maintenance or land application of septage every three years. A maintainer whose gross annual revenue from pumping systems is \$9,000 or less and whose gross revenue from pumping systems during the year ending May 11, 1994, was at least \$1,000 is not subject to the continuing education requirements.

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

D. The continuing education must be taken during the time specified in this subpart and remains valid even though not reported before the end of the certification period. However, certification is considered expired until the training is reported. If adequate continuing education training is not taken during the certification period, recertification must be gained by retaking the examinations.

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

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

## **7083.1070 ACCREDITATION OF TRAINING PROGRAMS AND AUTHORIZATION OF TRAINING FOR CONTINUING EDUCATION CREDITS.**

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

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

B. the credentials of the persons conducting the training that demonstrates the trainers' educational and professional background and expertise in and knowledge of SSTS and state SSTS standards, rules, and statutes and specifies the subject areas that the trainers will be

responsible for:

C. a training plan that demonstrates how the course will meet the requirements in parts 7083.1030 and 7083.1060;

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

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

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

**Subp. 2. Procedures for approval.** The commissioner shall approve a training course if the information submitted under subpart 1 demonstrates that the course meets the objectives for a specific specialty area under part 7083.1030 or for continuing education under part 7083.1060. The commissioner shall evaluate the submitted information to determine how many continuing education credits will be awarded. The accreditation may be reevaluated by the commissioner at any time. The commissioner may require that the training program be updated to ensure recent industry developments are included. Accreditation may be canceled by the commissioner if the program sponsor does not respond to the commissioner's written request for program information or training course revisions or if the commissioner determines that the program has not met its training objective.

**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 for any nonaccredited training attended and document in written format how the course will meet or has met the requirements under part 7083.1030 or 7083.1060, including proof of successful completion of the training. The commissioner may prorate the credit hours granted based on the amount of the training that pertains to the SSTS specialty area for which it is requested.

## **7083.1080 SSTS CERTIFICATION.**

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

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

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

**Subp. 4. Maintaining certification.** To maintain certification, an individual must fulfill the continuing education requirements under part 7083.1060, complete the renewal requirements under part 7083.2010, subpart 4, and fulfill the responsibilities under parts 7083.0710 to 7083.0800 that are applicable to specialty area certifications.

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

## **7083.1090 APPRENTICE.**

**Subpart 1. Qualifications.**

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

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

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

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

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

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

A. fulfill the continuing education requirements in part 7083.1060;

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

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

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

## **7083.2000 MENTOR DESIGNATION.**

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

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

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

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

**Subp. 3. Responsibility.** The mentor is not responsible for any noncompliance attributed to the work of the apprentice. The licensed SSTS business is responsible if the mentor and apprentice are working as employees or on behalf of the same licensed SSTS business.

## **7083.2010 ADMINISTRATION OF CERTIFICATION AND APPRENTICE PROGRAM.**

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

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

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

**Subp. 4. Renewal.** Every three years, the certified individual or apprentice shall submit an application for renewal on forms provided by the commissioner no later than 60 days prior to the expiration date. The renewal application must be accompanied by documentation of continuing education under part 7083.1060.

**Subp. 5. Denial of application.** The commissioner may deny an application or renewal application for a certification or apprentice based on evidence of actions listed under part 7083.2020. Notice of the pending denial must be served on the applicant by mail. Any pending denial based on part 7083.2020 shall not be issued before an opportunity is provided for a contested case hearing complying with *Minnesota Statutes*, chapter 14.

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

## **7083.2020 ENFORCEMENT ACTION.**

**Subpart 1. SSTS business licenses.** The commissioner may deny, suspend, restrict, revoke, place corrective action, fine, raise bond amounts, or institute other sanctions against an SSTS business license for any of the following reasons:

- A. failure to meet the requirements for a license;
- B. failure to comply with applicable requirements;
- C. submission of false or misleading information or credentials in order to obtain or renew a license;
- D. failure to provide adequate supervision to noncertified employees;
- E. incompetence, negligence, fraud, illegal activity, or inappropriate conduct in the performance of the duties authorized under the license;
- F. failure to report the number of sewage tanks installed and pay tank fees as prescribed in *Minnesota Statutes*, section 115.551; or
- G. failure to comply with applicable soil dispute resolution requirements.

**Subp. 2. Certification and apprentice.** The commissioner may deny, suspend, restrict, revoke, place corrective action, fine, or institute other sanctions against a certification or apprentice designation for any of the following reasons:

- A. failure to meet the certification or apprenticeship requirements;
- B. failure to comply with applicable requirements;
- C. submission of false or misleading information or credentials in order to obtain or renew a certification or apprentice designation;
- D. incompetence, negligence, fraud, illegal activity, conflict of interest, or inappropriate conduct in the performance of the duties authorized under the certification or apprenticeship; or
- E. failure to comply with applicable soil dispute resolution requirements.

### **Subp. 3. Complaints.**

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

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

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# Proposed Rules

C. The commissioner shall evaluate the results of the investigation and determine whether enforcement actions are necessary. The commissioner may convene and enlist expert advice from a technical advisory committee.

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

Subp. 4. **Enforcement action.** If the commissioner finds that enforcement action is necessary, the actions described in items A to C must be taken.

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

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

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

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

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

## **7083.2030 MINNESOTA POLLUTION CONTROL AGENCY SURETY BOND FORM.**

Bond No. \_\_\_\_\_

MINNESOTA POLLUTION CONTROL AGENCY  
SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)  
SURETY BOND

KNOW ALL PERSONS BY THESE PRESENTS:

THAT \_\_\_\_\_  
(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 \_\_\_\_\_ THOUSAND DOLLARS (\$ \_\_\_\_\_). 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, a subsurface sewage treatment system business: \_\_\_\_\_ (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

# Proposed Rules

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 certified 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. The Surety shall notify the Principal and the Minnesota Pollution Control Agency if payment on the bond has been made which results in the value of the bond falling below the legal requirement.

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
(Witness as to Principal) (Licensee name)

\_\_\_\_\_  
(Signature)

(Witness as to Surety) (Name of Surety Company)

\_\_\_\_\_  
(Attorney in Fact) By \_\_\_\_\_

### INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

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

Notary Public, \_\_\_\_\_

County, \_\_\_\_\_

My Commission Expires \_\_\_\_\_

(Notarial Seal)

ACKNOWLEDGMENT OF CORPORATE SURETY

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

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

**7083.2040 TRANSITIONING EXISTING REGISTRATIONS AND LICENSES.**

**Subpart 1. Designers.** A business licensed, and an individual registered, as a designer I or designer II on the effective date of this chapter are reclassified as basic designers. A business reclassified as a basic designer under this chapter may design all types of ISTS and MSTs until three years after the effective date of this chapter. After that time, a business designing a Type IV or Type V ISTS or MSTs must meet the requirements of this chapter.

**Subp. 2. Inspectors.** A business licensed, and an individual registered, as a designer I or inspector on the effective date of this chapter are reclassified as inspectors. A business or individual reclassified as an inspector under this chapter may inspect all types of ISTS and MSTs and administer local programs until three years after the effective date of this chapter. After that time, the business or government employee inspecting a Type IV or Type V ISTS or MSTs, or administering an SSTS regulatory program, must meet the requirements of this chapter.

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

**Subp. 4. Service provider.** To gain a service provider license or certification, a business or individual must meet the requirements of this chapter. A business or individual providing management services before the effective date of this chapter may operate an SSTS until three years after the effective date of this chapter, without a service provider license. Three years after the effective date of this chapter, businesses and individuals providing SSTS management services must meet the requirements of this chapter.

**Subp. 5. Basic and continuing education.** Designer I's or designer II's on the effective date of this chapter who take training to upgrade to an advanced designer or MSTs designer within three years after the effective date of this chapter may have their training hours credited as fulfilling the continuing education hours specified in part 7083.1060. Designer I's or inspectors on the effective date of this chapter who take training to upgrade to an MSTs inspector within three years after the effective date of this chapter may have their training hours credited as fulfilling the continuing education hours specified in part 7083.1060.

# Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order # 07-01: Providing Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable laws, including *Minnesota Statutes* 2006, Section 221.0269, do hereby issue this emergency executive order:

**WHEREAS**, colder than average weather, coupled with lower than average shipments of propane through the pipelines has resulted in a low supply of propane and other heating and motor fuels; and

**WHEREAS**, as a result of natural gas contracts which limit natural gas use in cold weather, a number of large natural gas users switched from natural gas to propane and fuel oil, which placed additional strain on the supply and availability of these heating fuels; and

**WHEREAS**, because of the weather conditions and supply problems, drivers of delivery trucks are required to wait for significantly longer periods of time at terminals to load fuel and some drivers need to go to terminals further away from their market to load product, resulting in an inordinate loss of available driving time under current regulations;

**WHEREAS**, this situation has resulted in distribution and delivery problems and has affected the availability of needed propane, heating and motor fuels to users; and

**WHEREAS**, the weather is expected to remain below average for the next week to 10 days which will exacerbate the current supply and fueling problems and once normal weather conditions return, suppliers and drivers will require a short period of time to allow for supplies and fueling conditions to return to normal.

**NOW, THEREFORE**, I hereby order that:

1. A state of emergency exists that requires relief from regulations incorporated in *Minnesota Statutes* 2006, Section 221.0314, Subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles, while transporting propane, heating and motor fuels.

2. Nothing herein shall be construed to relieve motor carriers and drivers transporting propane, heating and motor fuels from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.

3. No motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least eight consecutive off-duty hours before the driver is required to return to service.

4. Upon the expiration of the effective date of this emergency order, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least 34 consecutive hours off-duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

Pursuant to *Minnesota Statutes* 2006, Section 4.035, Subdivision 2, this executive order is effective immediately and shall remain in effect until 11:59 p.m. Central Standard Time February 21, 2007, unless superseded or extended under *Minnesota Statutes* 2006, Section 221.0269, Subdivision 2.

**IN TESTIMONY WHEREOF**, I have set my hand this 6th day of February 2007.

Signed: **TIM PAWLENTY**  
Governor

Filed According to Law

Signed: **MARK RITCHIE**  
Secretary of State

## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under Minnesota Statutes, Chapter 41C on Behalf of Eric and Amy Dybsetter

NOTICE IS HEREBY GIVEN that a public hearing will be held on March 2, 2007, at 9:00 a.m., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of 105 acres of bare land located five miles west of St. Leo, MN on County Road 3, one mile north on County Road D-8; SE 1/4 of Section 28, Oshkosh Township, Yellow Medicine County, Minnesota on behalf of Eric and Amy Dybsetter, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$250,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: February 7, 2007

Jim Boerboom, RFA Director

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under Minnesota Statutes, Chapter 41C on behalf of Benjamin and Greta Verthein

NOTICE IS HEREBY GIVEN that a public hearing will be held on March 2, 2007, at 9:00 a.m., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of 135 bred heifers located

# Official Notices

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1/2 mile south of Altura, MN on Highway 33; Section 19, Norton Township, Winona County, Minnesota on behalf of Benjamin and Greta Verthein, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is \$250,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: February 7, 2007

Jim Boerboom, RFA Director

## Minnesota Comprehensive Health Association Meeting for the Low Income Subsidy Planning Committee February 14, 2007

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Low Income Subsidy Planning Committee will take place at 9:00 a.m., on Wednesday, February 14, 2007, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Housing Finance Agency Notice of Public Hearing on 2008 Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (Minnesota Housing) will hold a public hearing pursuant to Section 42 of the Internal Revenue Code of 1986, as amended. The public hearing will be held at the time and place listed below:

Thursday March 1, 2007  
1:00 p.m. – 3:00 p.m. – State Street Conference Room, Ground Floor  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the 2008 Allocation Plan developed by Minnesota Housing, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of Minnesota Housing. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington County and Dakota County.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing. Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of summaries of the proposed changes to the Housing Tax Credit Procedural Manual and Qualified Allocation Plan are available at the address listed below, by written or phone request or by checking the Minnesota Housing web site:

<http://www.mhfa.state.mn.us/multifamily/2008HTC-ProposedRevisions.pdf>

Minnesota Housing Finance Agency  
Multifamily Underwriting  
Housing Tax Credit Program  
400 Sibley Street, Suite 300  
St. Paul, MN 55101-1998  
**Telephone:** (651) 296-4451

## Department of Human Services

### Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after February 1, 2007.

As authorized by *Minnesota Statutes*, section 256B.0625, subd 25, the following list includes all drugs that have been added requiring authorization as a condition of MHCP payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after February 1, 2007.

#### **DRUGS Added Drugs**

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Zaditor

## Department of Human Services

### Notice of Availability of the Minnesota Health Care Programs Provider Participation List [Also Known as DHS Rule 101 Provider Compliance List]

**NOTICE IS HEREBY GIVEN** that the Minnesota Health Care Programs provider participation list for December 2006 is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101. If a provider name is not on the list, the Department considers the provider non-compliant. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Julie Hervas, Rule 101 Specialist, at 651-431-2704 or toll-free at 1-800-366-5411. You may fax your request to 651-431-7462 or mail to the Department of Human Services, PO Box 64987, St. Paul, MN 55164-0987.

Cal Ludeman, Commissioner  
Department of Human Services

## Department of Labor and Industry

### Labor Standards Unit

### Notice of Prevailing Wage Determinations for Commercial Projects in Each of 87 Counties Statewide

On February 12, 2007, the commissioner determined and certified prevailing wage rates for Commercial construction projects in each of 87 Counties statewide.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at: [www.doli.state.mn.us](http://www.doli.state.mn.us). Charges for the cost of copying and mailing at \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

M. Scott Brener, Commissioner  
Department of Labor and Industry

# Official Notices

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## Metropolitan Airports Commission

### Notice of Public Hearing on Taxicab Ordinance 102: Increasing Refusal of Service Penalties

NOTICE IS HEREBY GIVEN that on the 27<sup>th</sup> day of February 2007, at 2:00 p.m. in the Chippewa Room at the Ramada Mall of America (formerly the Thunderbird Hotel), 2300 East American Boulevard, Bloomington, Minnesota, 55425, the Commission will hold a public hearing to receive testimony relative to amending MAC Taxicab Ordinance 102 to:

Increase the penalties for unauthorized refusals of service under the Ordinance, such that the penalty for a first offense would be a thirty (30) day suspension of the offender's MAC Taxicab Driver's License, and the penalty for a second offense would be a revocation of the offender's MAC Taxicab Driver's License.

Written comments will also be accepted at the below address until 12:00 noon on Friday, March 2, 2007.

Landside Operations Department, Room LT 3129B  
Metropolitan Airports Commission  
MSP International Airport/Lindbergh Terminal  
4300 Glumack Drive  
St. Paul, MN 55111-3010  
Phone: (612) 726-5463  
Fax: (612) 726-5728

Dated this 6<sup>th</sup> day of February, 2007.

Mr. Jeffrey W. Hamiel, Executive Director  
Metropolitan Airports Commission  
6040 - 28th Avenue South,  
Minneapolis, MN 55450

## Public Employees Retirement Association (PERA)

### Notice of Meeting of the Board of Trustees February 15, 2007

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, February 15, 2007, at 9:30 a.m., in the PERA offices, 60 Empire Drive, Room 117, Saint Paul, Minnesota.

## State Rehabilitation Council

### Meeting Dates February 28, 2007 through March 28, 2007

The State Rehabilitation Council will meet on the following dates at the designated location. For more information, please contact the Department of Employment and Economic Development at: phone: (800) 328-9095; (651) 296-5629. TTY: (800) 657-3973; (651) 296-3900. If accommodations are required, please request them no later than one week in advance.

#### February 28, 2007

Radisson Hotel Roseville  
2540 North Cleveland Avenue  
Roseville, MN 55113  
9:00 to 2:00

#### March 28, 2007

Radisson Hotel Roseville  
2540 North Cleveland Avenue  
Roseville, MN 55113  
9:00 to 2:

# State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

## Scotch the Competition

Obtain MORE and FASTER information. You receive much more with a SUBSCRIPTION than viewing the *State Register* on our website. Subscribe and receive many LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (normal cost \$260 - an \$80 savings). Here's what you receive:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 30, 29, 28 and 27

And it's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** [cathy.hoekstra@state.mn.us](mailto:cathy.hoekstra@state.mn.us)

## Department of Administration

### Division of State Architect's Office

#### Notice of Request for Proposals (RFP) and Fee Schedule for Protective Device Coordination and Arc Flash Studies State Capitol Complex, SAO Project # 02433CPX

The State of Minnesota (State) through its Department of Administration's State Architect's Office (SAO), requests proposals and fee schedules from interested and qualified firms and individuals (Responder) to provide services to prepare protective device coordination and Arc Flash studies for the Dept. of Administration, State Capitol Complex.

A full Request for Proposals is available on the State Architect's Office website: [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us). Click on "Solicitation Announcements".

Project questions will be taken by Mary Golike at: [mary.golike@state.mn.us](mailto:mary.golike@state.mn.us) or **faxed** to her at (651) 296-7650. All questions must be received by 3:00 p.m. CST on February 20, 2007. Responses to all questions will be posted as addenda on the SAO website by 4:00 p.m. CST on February 23, 2007.

Proposals must be delivered to Contract Officer, State Architect's Office, 301 Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1625, (651) 201-2399 no later than 1:00 p.m. March 9, 2007. Late responses will not be considered.

The State is not obligated to complete the proposed project, and reserves the right to cancel the solicitation if it is considered to be in its best interest.

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU)

### Office of the Chancellor

#### Notice of Request for Proposal (RFP) for the Review of Law Enforcement Skills Programs

**NOTICE IS HEREBY GIVEN** that the Office of the Chancellor of the Minnesota State Colleges and Universities is seeking proposals for a contract to perform a review of the law enforcement skills programs in Minnesota. Proposal specifications will be available Monday, February 12, 2007 by contacting Leo Christenson, System Director for Planning, Minnesota State Colleges and Universities by e-mail at leo.christenson@so.mnscu.edu or by **calling** (651) 2977-4575. Sealed proposals must be received by Leo Christenson, System Director for Planning, Minnesota State Colleges and Universities, 307<sup>th</sup> Street East, Suite 350, St. Paul, MN 55101 by 3:00 PM CST Monday February 26, 2007. The Minnesota State Colleges and Universities reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

## Minnesota State Colleges and Universities (MnSCU)

### Anoka-Ramsey Community College, Coon Rapids Campus

#### NOTICE OF INTENT to Request Bids for the Heating Plant Upgrade Project at the Coon Rapids Campus

**Project Description:** Demolition of two (2) boilers, four (4) pumps and main distribution piping, allowing the installation of two (2) non-condensing boilers, one (1) condensing boiler, three (3) variable speed primary distribution pumps, one (1) constant speed circulating pump, controls, and heating system supply and return mains in the boiler room. Replace existing backup fuel oil supply/return piping and pumps. Replace existing motor control center with new electrical distribution and a new electrical panelboard.

**Sealed Bids to:** Vikki Green, Business Office  
Anoka Ramsey Community College  
Room C140, College Services Building  
11200 Mississippi Boulevard Northwest  
Coon Rapids, Minnesota 55433

**Pre-Bid Meeting:** 2:00 PM, Thursday, March 1, 2007  
Room SC200 (Riverview), Student Center Building

**Bid Date & Time:** 2:00 PM, Thursday, March 22, 2007  
Room SC200 (Riverview), Student Center Building  
All bids will be opened and publicly read aloud

**Bid Documents:** Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Engineer, **Sebesta Blomberg** are on file at the following locations:

- 1.) Sebesta Blomberg
- 2.) Builders Exchanges: Minneapolis and St. Paul
- 3.) Reed Construction Market Data Plan Room
- 4.) Dodge Plan Room
- 5.) National Association of Minority Contractors of Upper Midwest

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following address:

**Sebesta Blomberg**  
3535 40th Avenue Northwest  
Suite 102  
Rochester, Minnesota 55901  
Attn: Lori Nierman  
(507) 424-3918

**Sebesta Blomberg**  
2381 Rosegate  
Roseville, Minnesota 5113  
Attn: Tiffany Martin  
(651) 634-7224

A deposit of **\$75.00** is required for each set.

Prospective Bidders requesting that Bidding documents (complete sets only) be mailed to them may send a separate non refundable payment (check made out to the Engineer) for **\$50.00** per set for shipping & handling (in addition to the **\$75.00** deposit) to the Engineer. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 must be accompanied by a bid bond or other security described here as a proposal guarantee that the bidder will enter into a contract if its bid is accepted. This security may be either a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

### **Minnesota State Colleges and Universities (MnCSU)**

#### **Minnesota West Community & Technical College**

#### **Minnesota West Community & Technical College is Accepting Sealed Bids for Irwin Telescopic Seating (or an Approved Equivalent) for the Granite Falls Campus**

Details regarding the Equipment needed including specifications can be obtained from Jeff Harms, Director of Facilities at (507) 828-2527, Minnesota West Community & Technical College, 1011 First Street West, Canby, MN 56220 or [jeff.harms@mnwest.edu](mailto:jeff.harms@mnwest.edu).

Deadline for submitting sealed bids is 2:00 pm on Tuesday, February 27<sup>th</sup>, 2007.

Late proposals will not be accepted.

Minnesota West Community & Technical College reserves the right to reject all bids. Minnesota West Community & Technical College is a member of the Minnesota State Colleges and Universities System.

### **Minnesota Department of Human Services**

#### **Child Safety and Permanency Division**

#### **Notice of Amended Request for Proposals to Implement and Maintain Administration of the Regional Structure of the Minnesota Child Welfare Training System (MCWTS) and the Title IV-E Foster Care / Adoption Assistance Eligibility Determination Training System (EDT)**

**NOTICE IS HEREBY GIVEN** that the RFP to Implement and Maintain Administration of the Regional Structure of the Minnesota Child Welfare Training System (MCWTS) and the Title IV-E Foster Care / Adoption Assistance Eligibility Determination Training System (EDT) that was published in the January 8, 2007 *State Register* (31S.R.894) has been extended. The deadline for receiving proposals is extended to **February 28, 2007, at 4:00pm Central Standard Time.**

All Responders who have submitted a proposal have the opportunity to make revisions until the new deadline.

The Request for Proposal is available on the DHS website at [www.dhs.state.mn.us](http://www.dhs.state.mn.us) (click A-Z Topics, then Request for Proposals). You may also request a paper copy by contacting:

Richard Dean  
Child Safety and Permanency Division  
Minnesota Department of Human Services  
P.O. Box 64943  
St. Paul, MN 55164-0943  
**Telephone:** (651) 431-4669  
**E-mail:** [Richard.f.dean@state.mn.us](mailto:Richard.f.dean@state.mn.us)

Fax or e-mailed proposals will **NOT** be considered. This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Contracts

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## Department of Human Services

### Notice of Availability of Contract for the Design of Individual and State-to-County Resource Allocation Methodologies for Home and Community Based Services in Minnesota

The Minnesota Department of Human Services is requesting proposals for the purpose of developing budget methodologies for several of its home and community-based services programs using the Department's newly designed comprehensive (universal) assessment process and data collection tool and other information collected and maintained by the State of Minnesota.

Work is proposed to start after April 30, 2007.

A Request for Proposals will be available by mail from this office through March 9, 2007. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After March 9, 2007, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Pam Erkel  
Disability Services Division  
PO Box 64967  
St. Paul, MN 55164-0967  
Fax number: 651-431-7411

A copy of the proposal can also be found on the Disability Services Division web site at:

<http://www.dhs.state.mn.us/Contcare/disability/default.htm> under "Grants and RFPs"

Proposals submitted in response to the Request for Proposals in this advertisement must be received no later than March 9, 2007. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

#### Proposal Submission Location

*US Mail* Request for Proposals Response  
Pam Erkel  
Disability Services Division  
Department of Human Services  
PO Box 64967  
St. Paul, MN 55164-096

*Delivery Service or Hand Delivery* Request for Proposals Response  
Pam Erkel  
**Disability Services Division**  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-0967

**Note:** Deliveries will NOT be accepted at the Elmer A. Andersen Building.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Supreme Court

### Request for Proposals to Implement a Juvenile Substance Abuse Court Chemical Assessment and Intensive Case Management Program for the Chisago County District Court

The Chisago County District Court will accept proposals for developing and implementing a Juvenile Substance Abuse Court Extended Aftercare/ Relapse Prevention Program. The project will be performed according to the specifications described in the detailed Request for Proposals document, which may be obtained from:

Kathleen Karnowski  
Court Administrator  
Chisago County Government Center  
313 North Main Street  
Center City, MN 55102-9664  
**Phone:** (651) 213-8650  
**E-mail:** [Kathleen.Karnowski@courts.state.mn.us](mailto:Kathleen.Karnowski@courts.state.mn.us)

Questions concerning the request should be addressed to Ms. Karnowski in writing. Answers to questions that change or substantially clarify the solicitation shall be issued by addendum and provided to all prospective Responders.

**Proposal Submission Deadline**

Final written proposals must be submitted in writing to Chisago County Court Administrator at the address indicated above no later than 4:30 p.m. CST on Monday February 26, 2007.

The District Court reserves the right to accept or reject any and all proposals, waive defects in any proposal and to accept the proposal or any part thereof that appears in the opinion of the Court, most advantageous to the objectives of the project.

The District Court will only consider written and timely communications from Responders. An authorized representative of the Responder shall submit inquiries in writing to the office indicated above.

Only those responses received by the specified deadline shall be considered by the District Court.

## **Department of Transportation (Mn/DOT) Request for Proposal (RFP) for Construction Contract Dispute Resolution Services Certified List Program**

The State of Minnesota through its Department of Transportation requests proposals to provide services in the following categories of work for the Construction Contract Dispute Resolution Services Certified List Program:

1. Construction Contract (transportation) Claim Analysis/Support
2. Construction Contract (transportation) Schedule Analysis/Support/Training
3. Forensic Accounting
4. Facilitation/Training in Alternative Dispute Resolution (ADR)

Mn/DOT will use these services on an as-needed basis, and not all successful responders will be authorized for all the services described above. The Certified List Program is not a guarantee of an assignment since the use of services will depend upon the availability of funding for the program at the time the work is required.

Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this request for proposal. All expenses incurred in responding to this notice shall be borne by the responder.

The full RFP document can be downloaded from Mn/DOT's Consultant Services Web Page at:

*<http://www.dot.state.mn.us/consult/>* under the Professional Technical Notices Section.

**NOTE: PROPOSALS WILL BE DUE ON MARCH 14, 2007 BY 2:00 P.M. CENTRAL TIME. LATE PROPOSALS WILL NOT BE CONSIDERED.**

## **Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")**

This document is available in alternative formats for persons with disabilities by calling Ron Bisek at (651) 296-1361 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at: *<http://www.dot.state.mn.us/consult>*

# State Contracts

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Send completed application material to:

Ron Bisek  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680  
St. Paul, MN 55155

**Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation (Mn/DOT)

### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

## Non-State Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## Metropolitan Council

### Notice of Invitation for Bids (IFB) for Baghouse Bag Replacement Reference Number 06P176

The Metropolitan Council (Council) is requesting bids for Baghouse Bag Replacement with high temperature rated cartridge type filters for the Metropolitan Wastewater Treatment Plant.

The tentative schedule for this procurement is as follows:

<i>Issue Invitation for Bids</i>	<b>February 6, 2007</b>
<i>Bids Due</i>	<b>March 6, 2007</b>
<i>Award Contract</i>	<b>March, 2007</b>

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# Non-State Bids, Contracts & Grants

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Sunny Jo Emerson  
Metropolitan Council  
390 N Robert Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1499  
**Fax:** (651) 602-1083  
**E-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

## Metropolitan Council

### Notice of Invitation for Bids (IFB) for the Leasing of Dakota County Farmland Near the Empire Wastewater Treatment Plant

#### Reference Number 07R002

The Metropolitan Council is requesting bids for the Lease of approximately 160 acres of Farmland in Dakota County near the Empire Wastewater Treatment Plant.

<i>Issue Invitation for Bids</i>	<b>February 12, 2007</b>
<i>Bids Due</i>	<b>March 13, 2007</b>
<i>Award Contract</i>	<b>April 2007</b>

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a written request either by e-mail, fax or mail to:

Sunny Jo Emerson  
Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101  
**Fax:** (651) 602-1083  
**E-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

## Metropolitan Council

### Notice of Request for Proposals (RFP) for On-Line Applicant and Recruitment Management System

#### Contract Number 07P005

The Metropolitan Council is requesting proposals for an on-line applicant self-service and recruitment management system to support the Metropolitan Council's hiring process.

<i>Issue Request for Proposals</i>	<b>February 12, 2007</b>
<i>Receive Proposals</i>	<b>March 12, 2007</b>
<i>Contract negotiated, executed, NTP</i>	<b>April, 2007</b>

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a Letter of Interest to:

Miriam Lopez-Rieth, Contracts and Procurement Unit  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1095  
**Fax:** (651) 602-1183  
**E-mail:** [Miriam.Lopez-Rieth@metc.state.mn.us](mailto:Miriam.Lopez-Rieth@metc.state.mn.us)

# Non-State Bids, Contracts & Grants

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## Metropolitan Council - Metro Transit Request for Proposals for Metro Mobility Agency Service

The Metropolitan Council is soliciting proposals from paratransit service providers to provide Metro Mobility Agency Service during 2007-2012.

Metro Mobility Agency Service provides Americans with Disabilities Act (ADA) paratransit service that serves one-way trip requests by ADA-certified riders to select day training and habilitation centers and adult day care facilities. Agency service is coordinated by the Metro Mobility Service Center and is provided to eighteen centers and facilities, some with multiple locations. The detailed service information for each of these locations is described in the Request for Proposals (RFP) document. Proposers may propose and submit a response for up to three pieces of work: block one only, block two only, and/or blocks one and two combined.

A Pre-Proposal Conference will be held on March 30, 2007. Details of the conference are in the RFP.

The Request for Proposals will be issued on March 5, 2007. To obtain an RFP, contact:

Candace Osiecki  
Metro Transit Purchasing  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
**Phone:** (612) 349-5070  
**Fax:** (612) 349-5069  
**E-mail:** [candace.osiecki@metc.state.mn.us](mailto:candace.osiecki@metc.state.mn.us)

## Ramsey County Regional Railroad Authority (RCRRA) Notice to Interested Parties of Solicitation for Services Relating to an Alternatives Analysis Study for the Rush Line Corridor from St. Paul Union Depot to Hinckley, Minnesota

Ramsey County Regional Railroad Authority (RCRRA) is soliciting proposals for services relating to an Alternatives Analysis Study for the Rush Line Corridor from St. Paul Union Depot to Hinckley, Minnesota. The Rush Line Corridor is federally authorized, and work is to be conducted in a manner to meet federal requirements.

The Rush Line Corridor Alternatives Analysis Study is a step in the process for making decisions on transportation investments for the transportation corridor. The purpose of this study is to identify and evaluate the alternatives that will address the transportation problems, needs and opportunities in the Rush Line Corridor and develop a recommended course of action for the next phase of the process.

**Proposals Due:** March 28, 2007

**DBE Goal:** The project is funded in part by the Federal Transit Administration and carries a Disadvantaged Business Enterprise (DBE) goal of 13%.

**Contact:** If you are interested in receiving a copy of this Request for Proposals please contact the Contract and Analysis Division, Room 280 City Hall/Court House, 15 W. Kellogg Blvd, Saint Paul, MN 55102 (651) 266-8900.

## Scott County – Regional Fiber Project Scott County Fiber Optic Network and Service Scott County is Soliciting Sealed Proposals for Construction of the Regional Fiber Ring

Site Surveys are available beginning at 9:00 AM, Thursday, February 15<sup>th</sup> and Friday, February 16<sup>th</sup>, 2007 at the Scott County Conference Center, 205 Fourth Ave, Shakopee, MN 55379 *Vendors should contact Perry Mulcrone at Phone: 952-496-8776; email: [pmulcrone@co.scott.mn.us](mailto:pmulcrone@co.scott.mn.us); if they plan to do a site survey. There will be no makeup time for site visits. Site visits are not mandatory but vendors will be responsible for meeting the inside fiber cabling requirements in compliance with applicable local, state, and federal codes including any County mandated requirements.*

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## Non-State Bids, Contracts & Grants

Proposals are due at **2:00 PM CDT on March 15th, 2007**. Proposals must be submitted in accordance with the Invitation for Proposals documents available from:

Scott County  
Gary Shelton, Deputy County Administrator  
Government Center 215  
200 Fourth Avenue West  
Shakopee, MN 55379  
**Phone #:** (952) 496-8105  
**Fax #:** (952) 496-8180  
**E-mail:** [gshelton@co.scott.mn.us](mailto:gshelton@co.scott.mn.us)

### Minnehaha Creek Watershed District Solicitation for Bids for the Removal of Bituminous and Class 5 Parking Lot and Installation of Porous Asphalt

**NOTICE IS HEREBY GIVEN** that the Minnehaha Creek Watershed District (MCWD) is soliciting bids for the removal of bituminous and class 5 parking lot and installation of porous asphalt or pervious concrete surface with underdrain. The project is located at the Wolner Baseball Fields at 2345 Cyprus Lane in the City of Mound. Work shall begin on or after August 1, 2007. Work shall be complete no later than November 30, 2007.

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work will be received by Minnehaha Creek Watershed District at its office, 18202 Minnetonka Boulevard, Deephaven, MN until 12:00 PM, February 22, 2007. Bid submittals must be clearly labeled "MCWD Wolner Baseball Field Bid Package" on the outside of the submittal package.

All communications relative to this project should be addressed to the Project Manager prior to opening of the Bid. Minnehaha Creek Watershed District: Attention Renae Clark, [rclark@minnehahacreek.org](mailto:rclark@minnehahacreek.org) or phone (952) 471-0590.

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the office of Minnehaha Creek Watershed District, or at the office of Wenck Associates, Inc., 1800 Pioneer Creek Center, Maple Plain, MN upon the payment of a \$25.00 non-refundable fee for each bid package. Bid packages are also available for examination at each location, or electronically at:

*[ftp://www.minnehahacreek.org/MCWD%20Info/City%20of%20Mound%20Downtown%20Redevelopment/  
Wolner%20Baseball%20Field%20Bid%20Package/](ftp://www.minnehahacreek.org/MCWD%20Info/City%20of%20Mound%20Downtown%20Redevelopment/Wolner%20Baseball%20Field%20Bid%20Package/)*

A pre-bid meeting will be held at the Minnehaha Creek Watershed District office at 12:00 PM on February 15, 2007.

Each bid proposal shall be submitted on forms furnished for that purpose. Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("owner") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the Owner, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the Owner in case the bidder fails to do so. The Owner will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The Owner, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

### University of Minnesota Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

