

CHAPTER 7083
MINNESOTA POLLUTION CONTROL AGENCY
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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, registering SSTS products, and provisions for an advisory committee to the agency concerning SSTS issues.

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. It is the intent of this chapter to register SSTS products for use in Minnesota, as technology and products employed in SSTS 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.

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

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

7083.0020 DEFINITIONS.

Subpart 1. **Certain terms.** In addition to the definitions in chapters 7080, 7081, and 7082 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. **ASTM.** "ASTM" means the American Society for Testing and Materials.

Subp. 6. **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. 7. **Disinfection.** "Disinfection" means the process of destroying or inactivating pathogenic microorganisms in sewage to render them noninfectious.

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

Subp. 9. **ISTS.** "ISTS" means an individual sewage treatment system as defined under part 7080.1100, subpart 41.

Subp. 10. **Licensee.** "Licensee" means a person to whom a license is issued under this chapter.

Subp. 11. **Mentor.** "Mentor" is a person who holds a mentor designation as described in part 7083.2000 and provides mentorship.

Subp. 12. **Mentorship.** "Mentorship" means providing direct and personal supervision to an individual who is seeking to gain qualifying work experience to become a certified individual.

Subp. 13. **MSTS.** "MSTS" means a midsized SSTS as defined in part 7081.0020, subpart 4.

Subp. 14. **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 (also known as FOG or fats, oil, and grease).

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

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

Subp. 17. **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. 18. **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 41, or a midsized sewage treatment system as defined in part 7081.0020, subpart 4, as applicable.

Subp. 19. **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.

Subp. 20. **TN.** "TN" means total nitrogen, which is the measure of the complete nitrogen content in wastewater including nitrate (NO_3^-), nitrite (NO_2^-), ammonia (NH_3), ammonium (NH_4^+), and organic nitrogen, expressed as mg/l.

Subp. 21. **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, expressed as mg/l.

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

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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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 from the standards in this chapter. This variance provision is not intended to provide relief for licensed businesses or certified individuals 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 has the authority to also require the requesting party to submit other relevant information for the specific purpose of properly evaluating the variance request.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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LICENSING AND CERTIFICATION

7083.0700 LICENSES.

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

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.0710 CATEGORIES, AUTHORIZATIONS, AND RESPONSIBILITIES.

Except as described in part 7083.0700, an individual or business must not perform the services described in this chapter and chapters 7080 to 7082 unless licensed by the commissioner under the appropriate license category in parts 7083.0720 to 7083.0800.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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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;
- 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.0730 REQUIREMENTS FOR CERTIFIED INDIVIDUALS.

A certified individual must:

- A. provide direct 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.0740 DESIGN LICENSE.**Subpart 1. Authorization.**

A. A licensed basic design business is authorized to conduct site and soil evaluations, design all system components, including the building sewer connected to a subsurface sewage treatment system, and write management plans for a Type I, II, or III ISTS as described under parts 7080.2200 to 7080.2300 serving dwellings or other establishments with a design flow of 2,500 gallons per day or less.

B. A licensed advanced design business is authorized to conduct site and soil evaluations, design all system components, including the building sewer connected to a subsurface sewage treatment system, and write management plans for all sizes and types of SSTS.

Subp. 2. Responsibilities. All design licensees must:

A. inform the proposed system owner of the type classification of the system under parts 7080.2200 to 7080.2400;

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;

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

D. prior to installation, submit plans and specifications for the building sewer connected to a subsurface sewage treatment system for approval as required by part 1300.0215, subpart 6.

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

Statutory Authority: *MS s 14.389; 115.03; 115.55; 115.56; L 2015 1Sp4 art 4 s 132; art 4 s 145*

History: *32 SR 1420; 40 SR 689*

Published Electronically: *January 19, 2016*

7083.0750 INSPECTION LICENSE.**Subpart 1. Authorization.**

A. A licensed basic inspection business is authorized to conduct compliance inspections and issue written certificates of compliance and notices of noncompliance for an existing ISTS described in part 7083.0740, subpart 1, item A. An inspection business is allowed to 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 local unit of government is allowed to authorize a licensed inspection business to review and approve site evaluations and designs, inspect new construction and replacement systems, verify the submittal of management plans, and issue written certificates of compliance and notices of noncompliance for systems described in part 7083.0740, subpart 1, item A.

B. A licensed advanced inspection business is authorized to conduct compliance inspections and issue written certificates of compliance and notices of noncompliance for existing systems described in

part 7083.0740, subpart 1, item B. An inspection business is authorized to 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 local unit of government is allowed to authorize a licensed advanced inspection business to review and approve site evaluations and designs, inspect new construction and replacement systems, verify the submittal of management plans, and issue written certificates of compliance and notices of noncompliance for systems described in part 7083.0740, subpart 1, item B.

Subp. 2. **Responsibilities.** Basic and advanced inspection licensees must submit a completed version of the agency's existing inspection form to the local unit of government and the property owner within 15 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. Certified inspectors may permit, inspect, or permit and inspect a building sewer connected to a subsurface sewage treatment system for compliance with the Minnesota Plumbing Code when:

A. the installation is not subject to the requirements of part 1300.0215, subpart 6, and no other approval is required by the plumbing program administrative authority; or

B. authorized by the appropriate plumbing program administrative authority.

Statutory Authority: *MS s 14.389; 115.03; 115.55; 115.56; art 4 s 145; L 2015 1Sp4 art 4 s 132*

History: *32 SR 1420; 35 SR 1353; 40 SR 689*

Published Electronically: *January 19, 2016*

7083.0760 INSTALLATION LICENSE.

Subpart 1. **Authorization.** A licensed installation business is authorized to construct, install, alter, extend, maintain, or repair all SSTS and the building sewer connected to a subsurface sewage treatment system only according to an approved design.

Subp. 2. **Responsibilities.** Installation licensees must:

A. ensure all work is done according to a design report approved by the local SSTS authority under part 7082.0500 and the plumbing program administrative authority as required under part 1300.0215, subpart 6;

B. provide adequate notice to the local unit of government and the plumbing program administrative authority when work requires inspection;

C. ensure that all work is done according to applicable storm water regulations and the Minnesota Plumbing Code;

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

E. maintain quality control and quality assurance records for five years;

F. provide system owners with information concerning system operation and maintenance;

G. follow recommended standards and guidance documents for registered products and check the quality of materials used;

H. negotiate with the system owner and jointly 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 as-built 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.

Statutory Authority: *MS s 14.389; 115.03; 115.55; 115.56; L 2015 1Sp4 art 4 s 132; art 4 s 145*

History: *32 SR 1420; 40 SR 689*

Published Electronically: *January 19, 2016*

7083.0770 MAINTENANCE LICENSE.

Subpart 1. **Authorization.** A licensed maintenance business is authorized to 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, pump tanks, 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, any safety concerns with the maintenance hole cover, 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; and

C. 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;
- B. the making of sensory observations if nondomestic wastes 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

7083.0780 SERVICE PROVIDER LICENSE.

Subpart 1. **Authorization.** A licensed service provider business is authorized to 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 are also authorized to 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; and
- B. observe and provide written reports of any noncompliance to the system owner and 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 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.0800 RESTRICTED LICENSES.

The commissioner is allowed to 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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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 must 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. An applicant is allowed to request a license renewal 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. The commissioner is authorized to deny a license application as the result of an enforcement action under part 7083.2020. A denial based on part 7083.2020 must not be issued before an opportunity is provided for a contested case hearing complying with Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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 of at least \$25,000.

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 by the commissioner, 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 and must be for the benefit of persons injured or suffering financial loss by reason of failure to comply with the Minnesota Plumbing Code and Minnesota Statutes, sections 115.55 and 115.56.

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 is allowed to petition the corporate surety to seek and be granted a partial or full 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 or, in the case of a plumbing bond provided according to Minnesota Statutes, section 326B.46, subdivision 2, concurrent with the term of the plumbing license. The penal sum of the bond is cumulative and must be aggregated every two years that the bond is in force. The aggregate liability is limited to the bond penalty shown on the bond form for each two-year period the bond remains in effect for any losses that occur during each two-year period.

Subp. 4. **Notification of bond actions.** The corporate surety must provide written notice to the commissioner within 30 days of cancellation or 15 days of 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, item C, the license immediately and automatically becomes invalid and the business must not perform SSTS work 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 and commissioner of any claims pending against the bond within 15 days of the receipt of the claim and notify the principal and commissioner of any payments made against the bond within 15 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.

Statutory Authority: *MS s 14.389; 115.03; 115.55; 115.56; L 2015 1Sp4 art 4 s 132; art 4 s 145*

History: *32 SR 1420; 35 SR 1353; 40 SR 689*

Published Electronically: *January 19, 2016*

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. An apprentice is eligible to be a qualified employee 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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 is allowed to be certified in the following specialty areas:

- A. designer;
- B. advanced designer;
- C. inspector;
- D. advanced inspector;
- E. installer;
- F. maintainer; and
- G. 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 is allowed to 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 are allowed to 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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 shall 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 or when conditional eligibility under part 7083.1060, subpart 1, item E, is awarded by the commissioner.

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 must 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.

Statutory Authority: *MS s 14.389; 115.03; 115.55; 115.56; L 2015 1Sp4 art 4 s 132; art 4 s 145*

History: *32 SR 1420; 40 SR 689*

Published Electronically: *January 19, 2016*

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 must be acquired by one of the methods in items A to C or other method approved by the commissioner:

- A. as an employee or worker of a licensed SSTS business under an experience plan as described in subpart 3;
- B. 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; or
- C. through field work experience from an agency-accredited training program that provides realistic in-field work situations.

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. If an apprentice loses the apprentice's mentor before completing the approved experience plan, the apprentice must notify the agency. The apprentice must not perform any more work until a new mentor is secured and the revised experience plan is approved by the agency.

B. Experience plans must be submitted to and approved by the commissioner before apprentice designation is granted. The commissioner shall 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 periodically 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. The documentation must be submitted to the commissioner from a minimum of five jobs along with the experience 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 basic 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, with a flow of 2,500 gallons per day or less, 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 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 a basic inspector must have:

(1) co-completed, with a mentor, a minimum of 15 inspections of Type I, II, or III systems, as defined under parts 7080.2200 and 7080.2300, with a flow of 2,500 gallons per day or less. The inspections must include a minimum of one aboveground system inspection and one belowground system inspection; and

(2) observed, with or without a mentor:

(a) five soil evaluations, system designs, and management plans being developed;

(b) five system installations; and

(c) five service or operational instances.

No additional experience is required to qualify for the advanced inspector certification.

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

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

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420; 35 SR 1353*

Published Electronically: *March 11, 2011*

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 12 hours of continuing education related in general to SSTS or nine hours of continuing education specifically related to SSTS maintenance or land application of septage every three years.

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 shall 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 or when conditional eligibility under item E is awarded by the commissioner.

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.

E. If adequate continuing education training is not taken during the certification period, certification eligibility must be regained by retaking the required training and passing the examinations under parts 7083.1030 and 7083.1040, or by commissioner approval of an application for a nonrenewable, one-year conditional certification eligibility extension. The application must be submitted on a form provided by the commissioner. The application must contain a signed statement that the applicant agrees to complete, within one year, all continuing education that was not taken and to pass no more than two different specialty area examinations within one year applicable to the certification eligibility that the commissioner determined has lapsed. The applicant must include information with the application to verify compliance with part 7083.1090, when applicable. If the applicant does not meet the conditions of the one-year conditional certification eligibility agreement, the certification eligibility expires and the individual must complete all missed continuing education and pass exams under part 7083.1040 for each specialty area sought in order to regain eligibility for certification.

F. 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 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 are allowed to be used to maintain a certification or apprentice designation.

Statutory Authority: *MS s 14.389; 115.03; 115.55; 115.56; L 2015 1Sp4 art 4 s 132; art 4 s 145*

History: *32 SR 1420; 38 SR 1001; 40 SR 689*

Published Electronically: *January 19, 2016*

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 commissioner shall require that the training program be updated to ensure recent industry developments are included. The commissioner shall cancel accreditation 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 qualifies 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 is authorized to prorate the credit hours granted based on the amount of the training that pertains to the SSTS specialty area for which it is requested.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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 is allowed to 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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.

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 shall 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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 is not allowed to 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.** If the commissioner finds evidence of actions listed under part 7083.2020, the commissioner is allowed to deny an application or renewal application for a certification or apprentice. 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 is allowed to 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

7083.2020 ENFORCEMENT ACTION.

Subpart 1. **SSTS business licenses.** The commissioner is authorized to 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.** If the commissioner finds any of the following faults, the commissioner is authorized to deny, suspend, restrict, revoke, place corrective action, fine, or institute other sanctions against a certification or apprentice designation:

- 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.
- C. The commissioner shall evaluate the results of the investigation and consider expert advice as needed in order to determine whether enforcement actions are necessary.
- 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 shall 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

7083.2030 [Repealed, 40 SR 689]

Published Electronically: *December 22, 2015*

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 February 4, 2008, are reclassified as basic designers. A business reclassified as a basic designer under this chapter is authorized to design all types and sizes of SSTS until February 4, 2012. After that time, a business designing systems described under part 7083.0740, subpart 1, item B, must meet the requirements of this chapter.

Subp. 2. **Inspectors.** A business licensed, and an individual registered, as a designer I or inspector on February 4, 2008, are reclassified as basic inspectors. A business or individual reclassified as an inspector under this chapter is authorized to inspect all types of SSTS until February 4, 2012. After that time, the business or government employee inspecting systems described under part 7083.0740, subpart 1, item B, must meet the requirements of this chapter.

Subp. 3. **Maintainers.** A business licensed, and an individual registered, as a pumper on February 4, 2008, 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. An ISTS licensed business or a certified individual providing management services before February 4, 2008, is authorized to operate an SSTS until February 4, 2012, without a service provider license. After February 4, 2012, 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 February 4, 2008, who take training to upgrade to an advanced designer by February 4, 2011, shall have their training hours credited as fulfilling the continuing education hours specified in part 7083.1060. Designer I's or inspectors on February 4, 2008, who take training to upgrade to an advanced inspector by February 4, 2011, shall have their training hours credited as fulfilling the continuing education hours specified in part 7083.1060.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420; 35 SR 1353*

Published Electronically: *March 11, 2011*

PRODUCT REGISTRATION

7083.4000 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 five 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;
- (4) proprietary distribution technologies, such as gravelless distribution products; and
- (5) proprietary drip dispersal systems.

C. Sewage technologies shall have standards described in this chapter or agency recommended standards and guidance before local units of government are allowed to 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. 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 7083.4010 and register their product with the commissioner using the process described in parts 7083.4000 to 7083.4120;
- (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 7083.4020;
- (3) demonstrate product performance according to Table III in part 7083.4030. 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 7083.4060, for registration at Levels A and B in Table III in part 7083.4030.

B. Manufacturers verifying product performance through testing according to the following standards or protocols must have product testing conducted by a qualified, third-party testing facility. Product performance testing must 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) National Sanitation Foundation (NSF) International, Wastewater Treatment Systems - Nitrogen Reduction, NSF/ANSI 245 (2007). The standard is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change;
- (3) 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, and is not subject to frequent change;

(4) 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;

(5) 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;

(6) protocol for bacteriological reduction described in part 7083.4060; and

(7) other equivalent protocols and standards consistent with the standards and protocols in subitems (1) to (6) to verify product performance as approved by the commissioner.

C. Treatment levels used in part 7083.4030 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420; 35 SR 1353*

Published Electronically: *March 11, 2011*

7083.4010 TESTING REQUIREMENTS FOR PROPRIETARY TREATMENT PRODUCTS.

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

TABLE I

Treatment component/sequence category	Required testing protocol
Category A: Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level C (Table III, part 7083.4030)	NSF Residential Wastewater Treatment Systems, Standard 40, or CEN European Standard, EN-12566-3
Category B: Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level C (Table III, part 7083.4030), including restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.	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

Total nitrogen and phosphorus reduction in Categories A and B EPA Environmental Technology Verification, Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction, or equivalent or NSF Wastewater Treatment Systems - Nitrogen Reduction, Standard 245

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.4020 TEST RESULTS REPORTING REQUIREMENTS FOR PROPRIETARY TREATMENT PRODUCTS.

TABLE II

Treatment component/sequence category	Testing results reported
Category A: Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level C (Table III, part 7083.4030)	<p>Report test results for influent and effluent sampling obtained throughout the testing period for evaluation of consistent reduction for the parameters CBOD₅ and TSS:</p> <ul style="list-style-type: none"> - Average - Minimum - Median - 30-day average (each month) - Standard deviation - Maximum - Interquartile range. <p>For bacteriological reduction performance, report fecal coliform test results of influent and effluent sampling by geometric mean from samples drawn within 30-day or monthly calendar periods, obtained from a minimum of three samples per week throughout the testing period. See part 7083.4060. Test report must also include the individual results of all samples drawn throughout the test period.</p>

<p>Category B: Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level C (Table III, part 7083.4030), including restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.</p>	<p>Report all individual test results and full test average values of influent and effluent sampling obtained throughout the testing period for CBOD₅, TSS, and oil and grease. Report the treatment capacity of the product tested in pounds per day for CBOD₅.</p>
<p>Total nitrogen and phosphorus reduction in Categories A and B</p>	<p>Report test results on all required performance criteria according to the format prescribed in the test protocol described in Table I, part 7083.4010.</p>

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.4030 PRODUCT PERFORMANCE REQUIREMENTS FOR PROPRIETARY TREATMENT PRODUCTS.

TABLE III

<p>Treatment component/ sequence category</p> <p>Category A:</p>	<p>Product performance requirements</p> <p>Treatment system performance testing levels</p>
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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.

Level	Parameters				
	CBOD ₅ (mg/l)	TSS (mg/l)	O&G (mg/l)	FC (#/100ml)	Nutrient (mg/l)
A	15	15	–	1,000	–
A-2	15	15	–	–	–
B	25	30	–	10,000	–
B-2	25	30	–	–	–
C	125*	60	25	–	–

TN	–	–	–	–	<20, or actual value
TP	–	–	–	–	<5, or actual value

* BOD₅ = 170 mg/l

Values for levels A, A-2, B, and B-2 are 30-day values (averages for CBOD₅, TSS, and geometric mean for FC). All 30-day 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: All of the following requirements must be met:

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. (1) all full test averages must meet level C; and (2) the treatment capacity of the product tested in pounds per day for CBOD₅ 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420; 35 SR 1353*

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7083.4040 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 CBOD₅;
- (7) siting and installation requirements;
- (8) a detailed description, procedure, and schedule of routine service and system maintenance events;
- (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 7083.4030.";
- (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, are allowed to 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. The list of registered treatment devices shall be maintained on the agency Web site.

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

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;

(2) discuss with the Technical Advisory Panel of the advisory committee established under part 7083.6000 any field assessment information that impacts 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, modify, or deny the product registration, based on information received during the renewal process.

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

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

(1) a product manual;

(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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

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

Except for Type V systems designated under part 7080.2400, the following conditions apply:

A. the installation of aerobic tank treatment systems as specified in Minnesota Rules 2005, chapter 7080, and other advanced treatment technologies is allowed for 24 months after January 2, 2008;

B. after 24 months after January 2, 2008, only those products registered under this chapter are allowed to be installed 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; and

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

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

7083.4060 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 7083.4000 to 7083.4040 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 30-day 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 are allowed to register products that:

A. meet the bacteriological testing requirements alone, without the need for a separate disinfection device to meet treatment level A or B;

B. meet the bacteriological testing requirements when tested with a compatible secondary disinfection device as a component of the process to meet treatment level A or B; or

C. meet the bacteriological testing requirements when coupled with a compatible secondary disinfection device that meets bacteriological requirements of this part as a component of the process to meet treatment level A or B.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420; 35 SR 1353*

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7083.4070 DISTRIBUTION MEDIUM; CERTIFICATION AND REGISTRATION.

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

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 is allowed to permit their use.

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 7083.4080.

D. Distribution media must:

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

(2) provide void space at least equal to the void space provided within a 12-inch layer of drainfield rock in a drainfield-rock-filled distribution system. The void space must be established by the distribution medium, system design, and installation. The density of the media must be maintained throughout the life of the system. This requirement is allowed to be met either on a lineal foot basis or on an overall system design basis;

(3) support the distribution pipe and 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) have a means to inhibit the accumulation of slime and bacterial growth within the drip line and plugging of the emitters. Emitter discharge rate must be controlled by the use of either pressure-compensating emitters or a pressure regulator.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

Published Electronically: *March 11, 2011*

7083.4080 PROPRIETARY DISTRIBUTION PRODUCTS; PROCESS AND REQUIREMENTS.

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

- A. the manufacturer's name, mailing address, street address, and telephone number;
- B. the contact individual's name, title, mailing address, street address, and telephone number. The contact individual must be vested with the authority to represent the manufacturer in this capacity;
- C. the name, including specific brand and model, of the proprietary distribution product;
- D. a description of the function of the distribution medium along with any known limitations on its use;
- E. a description of the medium and technical information, including schematics; materials and characteristics; component design specifications; design capacity; volumes and flow assumptions and calculations; components; and dimensioned drawings, photos, application, and use;
- F. siting and installation requirements;
- G. a detailed description, procedure, and schedule of routine service and system maintenance events;

- H. identification of information requested to be protected from disclosure of trade secrets;
- I. copies of product brochures and manuals, such as sales, promotional, design, installation, operation, and maintenance materials and homeowner instructions;
- J. a quantitative description of the trench-bottom and sidewall absorption area or sizing criteria for drip dispersal systems for each model seeking registration. Manufacturers' quantitative description of the absorption area must be based on the surface area of the product that infiltrates effluent into the soil;
- K. all available product testing results, including a listing of state approvals and denials;
- L. a statement from a licensed professional engineer that certifies the technology meets the standards established in part 7083.4070;
- M. a signed and dated certification by the manufacturer's senior executive or agent, specifically including the following statement: "I certify that I represent (INSERT MANUFACTURING COMPANY HERE) and I am authorized to prepare or direct the preparation of this application for registration. I attest, under penalty of law, that this document and all attachments are true, accurate, and complete.";
- N. a signed and dated certification from the licensed professional engineer including the statement: "I certify that I represent (INSERT PROFESSIONAL ENGINEERING FIRM NAME) and that I am authorized to certify the performance for the proprietary distribution product presented in this application. I attest, under penalty of law, that the technology report is true, accurate, and complete."; and
- O. a technology review fee if allowed by law.

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

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

- A. review the application and verify the application for compliance with subpart 1;
- B. if the application is not in compliance with subpart 1, return the application for resubmittal with the requested information for full compliance with subpart 1; or
- C. if the application is complete and the commissioner determines that the product meets or exceeds all applicable protocols, the commissioner shall place the product on the list of distribution products. The list of registered distribution products will be maintained on the agency Web site.

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

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

- A. submit a request for renewal of product registration at least 30 days before the current registration expires, using the form or in the format prescribed by the commissioner; and
- B. provide an affidavit to the commissioner certifying whether the product has changed over the previous three years. If the product has changed, the affidavit must include a full description of the changes and how the changed product fulfills the requirements for initial registration.

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

- A. request field assessment comments from local units of government no later than October 31 for product renewal;
- B. discuss with the Technical Advisory Panel of the advisory committee established under part 7083.6000 any field assessment information that affects product registration renewal;
- C. notify the manufacturer of any product to be discussed with the Technical Advisory Panel, prior to discussion with the panel, regarding the nature of comments received; and
- D. renew, modify, or deny the product registration based on information received during the renewal process.

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

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

- A. a product manual;
- B. design instructions;
- C. installation instructions;
- D. information regarding operation and maintenance;
- E. system owner instructions; and
- F. a list of representatives and manufacturer-certified service providers, if any.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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

Except for Type V systems designed under part 7080.2400, the following conditions apply:

- A. the distribution products specified in Minnesota Rules 2005, chapter 7080, are allowed to be installed for 24 months after February 4, 2008;
- B. after 24 months after February 4, 2008, only those products registered under this chapter are allowed to be installed as directed in registration guidance documents;
- C. to be registered, manufacturers of proprietary distribution products shall apply for product registration; and
- D. distribution products shall meet all other requirements for registration established in this chapter.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.4110 PRODUCT DEVELOPMENT PERMITS.

Subpart 1. **Local government may issue.** A local unit of government is authorized to issue a product development permit (PDP) for any proprietary treatment component or sequence during the development period. A local unit of government is authorized to grant a PDP to a Type I, Type II, or Type III system, as described under parts 7080.2200 to 7080.2300. A local unit of government is also authorized to grant a PDP 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 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 by the manufacturer that provides for financial assurances to protect the owner, licensed businesses, and local units of government from claims and provides that the manufacturer will cover the correction of any potential public health threats or environmental damage 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 is authorized to 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 site-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 unless 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.

Subp. 8. **Revocation or amendment of PDP.** The local unit of government is authorized to 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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7083.4120 PRODUCT REGISTRATION CONTESTED CASE HEARING.

A person whose application for product registration under part 7083.4040, item A, has been denied in whole or in part may petition the agency to hold a contested case hearing under Minnesota Statutes, chapter 14. To be considered by the agency, the petition must be submitted within 30 days after the person receives written notice of the commissioner's proposed action and must comply with part 7000.1800. The commissioner must grant the petition for a contested case hearing if the commissioner finds that the criteria in part 7000.1900 have been met. Final agency decisions following contested case hearings must be made according to parts 7000.2000 to 7000.2200.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420; 35 SR 1353*

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ADVISORY COMMITTEE

7083.6000 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 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 product registration advisory panels; and
- H. other SSTS activities considered appropriate by the committee.

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

- A. two must be citizens 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. seven must be SSTS designated certified individuals as defined in part 7083.0020, subpart 6, six of whom have geographic distribution throughout the state and the seventh representing the state at large, with each certification category represented on the committee;
- G. two must be elected public officials with members having geographic distribution throughout the state; and
- H. 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: the agency, the Minnesota Department of Natural Resources, the Minnesota Department of Health, the Minnesota Department of Labor and Industry, the United States Department of Agriculture Natural Resource Conservation 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 Professional Engineers, the Association of Small Cities, the Minnesota Association of Realtors, the Minnesota Environmental Health Association, SSTS supplier, 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 voting 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, except for individuals serving under subpart 3, item B, shall serve a maximum of two consecutive terms. 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.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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