

1.1 Pollution Control Agency
1.2 Proposed Permanent Rules Relating to Subsurface Sewage Treatment
1.3 Systems
1.4 CHAPTER 7083
1.5 SUBSURFACE SEWAGE TREATMENT SYSTEMS
1.6 LICENSING AND CERTIFICATION PROGRAM
1.7 7083.0010 PURPOSE AND INTENT.
1.8 The proper location, design, installation, use, and
1.9 maintenance of a subsurface sewage treatment system (SSTS)
1.10 protects the public health, safety, and general welfare by the
1.11 discharge of adequately treated sewage to the groundwater. In
1.12 order to reasonably accomplish the proper location, design,
1.13 installation, operation, and maintenance of an SSTS, the
1.14 Pollution Control Agency provides in this chapter criteria for
1.15 certifying trained individuals and licensing SSTS businesses.
1.16 The authority for this chapter is granted in Minnesota
1.17 Statutes, chapters 103F, 103G, 115, and 116.
1.18 This chapter does not address the licensing of wastewater
1.19 treatment plant operators regulated under chapter 9400 or Type
1.20 IV land application of waste professionals as regulated in
1.21 chapter 7048.
1.22 It is the intent of this chapter to provide standards for
1.23 adequate training, experience, continuing education, insurance,
1.24 and bonding for SSTS businesses and certified individuals.
1.25 These standards also present the foundation for enforceable
1.26 violations along with the agency's enforcement procedures. The
1.27 agency's enforcement program may require assistance from local
1.28 units of government to file complaints and gather evidence
2.1 against those in violation of local SSTS ordinances.
2.2 7083.0020 DEFINITIONS.
2.3 Subpart 1. **Certain terms.** In addition to the definitions
2.4 in chapters 7080, 7081, and 7082 as published in the State
2.5 Register, volume . . , page . . , and as subsequently adopted, and
2.6 Minnesota Statutes, section 115.55, which are incorporated by
2.7 reference, the terms used in this chapter have the meanings
2.8 given them. For purposes of these standards, certain terms or
2.9 words are interpreted as follows: the words "shall" and "must"
2.10 are mandatory and the word "may" is permissive. All distances,
2.11 unless otherwise specified, must be measured horizontally.
2.12 Subp. 2. **Agency.** "Agency" means the Pollution Control
2.13 Agency.
2.14 Subp. 3. **Apprentice.** "Apprentice" means an individual who
2.15 meets the requirements in part 7083.1090 by completing training,
2.16 passing the examination, and gaining experience under part
2.17 7083.1050, subpart 2.
2.18 Subp. 4. **As-builts.** "As-builts" means drawings and
2.19 documentation specifying the final in-place location, elevation,
2.20 size, and type of all system components. These records identify
2.21 the results of materials testing and describe conditions during
2.22 construction. Information provided must be verified by a
2.23 certified statement.
2.24 Subp. 5. **Certified.** "Certified" means an individual is
2.25 included on the agency's SSTS certification list and is

2.26 qualified to design, install, maintain, repair, pump, operate,
2.27 or inspect an SSTS as appropriate with the individual's
3.1 qualifications. A certified individual who is working under a
3.2 license is subject to the obligations of the license. Certified
3.3 individuals were previously known as registered professionals.
3.4 Subp. 6. **ISTS.** "ISTS" means an individual sewage
3.5 treatment system as defined under part 7080.1100, subpart 47, as
3.6 published in the State Register, volume .., page .., and as
3.7 subsequently adopted.
3.8 Subp. 7. **Licensee.** "Licensee" means a person to whom a
3.9 license is issued under this chapter.
3.10 Subp. 8. **Mentor.** "Mentor" is a person who holds a mentor
3.11 designation as described in part 7083.2000 and provides
3.12 mentorship.
3.13 Subp. 9. **Mentorship.** "Mentorship" means the provision of
3.14 personal supervision to an individual who is seeking to gain
3.15 qualifying work experience to become a certified individual.
3.16 Subp. 10. **MSTS.** "MSTS" means a mid-sized SSTS as defined
3.17 in part 7081.0020, subpart 5, as published in the State
3.18 Register, volume .., page .., and as subsequently adopted.
3.19 Subp. 11. **Qualified employee.** "Qualified employee" means
3.20 a state or local government employee who designs, installs,
3.21 maintains, pumps, or inspects SSTS as part of the person's
3.22 employment duties.
3.23 Subp. 12. **Subsurface sewage treatment system or**
3.24 **"SSTS."** "Subsurface sewage treatment system" or "SSTS" means an
3.25 individual sewage treatment system as defined in part 7080.1100,
3.26 subpart 47, as published in the State Register, volume .., page
3.27 .., and as subsequently adopted, or a mid-sized sewage treatment
4.1 system as defined in part 7081.0020, subpart 5, as published in
4.2 the State Register, volume .., page .., and as subsequently
4.3 adopted, as applicable.
4.4 Subp. 13. **Subsurface sewage treatment system business or**
4.5 **SSTS business.** "Subsurface sewage treatment system business" or
4.6 "SSTS business" means a business that designs, installs,
4.7 maintains, repairs, pumps, operates, or inspects an SSTS as
4.8 appropriate with the organization's license and qualifications.
4.9 7083.0040 ADMINISTRATION BY AGENCY.
4.10 Subpart 1. **Agency to administer.** This chapter is
4.11 administered by the agency.
4.12 Subp. 2. **Variance procedures.**
4.13 A. In certain cases, the commissioner may grant a
4.14 variance to SSTS businesses, certified individuals, or
4.15 apprentices from the standards in this chapter. This variance
4.16 provision is not intended to provide relief from missed
4.17 expiration dates or enforcement actions.
4.18 B. Before granting a requested variance, the
4.19 commissioner or agency must find that, by reason of exceptional
4.20 circumstances, the strict enforcement or strict conformity with
4.21 this chapter would be unreasonable, impractical, or not feasible
4.22 under the circumstances. The agency may permit a variance under
4.23 part 7000.7000 in harmony with the requirements of part
4.24 7000.7000, the general purpose of this chapter, and the intent
4.25 of applicable state laws. The variance request must contain, as

4.26 applicable:
4.27 (1) the specific provision in the rule or rules
5.1 from which the variance is requested;
5.2 (2) the reasons why the rule is unreasonable,
5.3 impractical, or not feasible under the circumstances and state
5.4 the underlying circumstances;
5.5 (3) a description of the hardship that compliance
5.6 with the rule presents;
5.7 (4) the alternative measures that will be taken
5.8 to ensure a comparable degree of compliance with the intention
5.9 of the chapter;
5.10 (5) the length of time for which the variance is
5.11 requested;
5.12 (6) a statement that the party applying for the
5.13 variance will comply with the terms of the variance, if granted;
5.14 and
5.15 (7) economic considerations.
5.16 C. In addition to the variance information required
5.17 in item B, the commissioner may also require the requesting
5.18 party to submit other relevant information as necessary to
5.19 properly evaluate the variance request.
5.20 7083.0700 LICENSES.
5.21 Subpart 1. State license required. A state SSTS license
5.22 applicable to the type of work being performed is required for
5.23 any business that conducts work to design, install, repair,
5.24 maintain, operate, or inspect all or part of an SSTS. A license
5.25 is also required to land spread septage and operate a sewage
5.26 collection system discharging to an SSTS. Property owners that
5.27 employ a business to perform this work shall hire a business
6.1 that is licensed according to this chapter. Individuals exempt
6.2 from a state SSTS license must follow all applicable local,
6.3 state, and federal requirements. A license is not required for:
6.4 A. an individual who is a qualified employee
6.5 performing work as directed by a state or local government
6.6 employer;
6.7 B. an individual who, after obtaining a signed site
6.8 evaluation and design report from a licensed design business,
6.9 constructs an ISTS to serve a dwelling that is owned by the
6.10 individual and functions solely as a dwelling or seasonal
6.11 dwelling for that individual. Any assistance provided to the
6.12 system owner in construction of a system under this item must be
6.13 performed by a licensed installation business;
6.14 C. an individual who performs labor or services as an
6.15 employee of a licensed SSTS business;
6.16 D. a farmer who pumps septage from an ISTS that
6.17 serves dwellings or other establishments that are owned or
6.18 leased by the farmer and applies septage on land that is owned
6.19 or leased by the farmer;
6.20 E. a property owner who personally gathers existing
6.21 information, evaluates, and investigates an ISTS to provide a
6.22 disclosure as defined in Minnesota Statutes, section 115.55,
6.23 subdivision 6, for a dwelling that is owned by the individual
6.24 and functions solely as a dwelling or seasonal dwelling for that
6.25 individual;

6.26 F. an individual or business who abandons an SSTS;
6.27 G. an individual who maintains a toilet waste
7.1 treatment device for a dwelling that is owned by the individual
7.2 and functions solely as a dwelling or seasonal dwelling for that
7.3 individual; or
7.4 H. an individual who performs tasks identified in the
7.5 system's management plan that do not require a maintainer or
7.6 service provider license for a dwelling that is owned by the
7.7 individual and functions solely as a dwelling or seasonal
7.8 dwelling for that individual.
7.9 **Subp. 2. Land application.** Land application of stored
7.10 septage must be conducted by a Type IV operator certified under
7.11 chapter 7048.
7.12 7083.0710 CATEGORIES, AUTHORIZATIONS, AND RESPONSIBILITIES.
7.13 Except as described in part 7083.0700, subpart 1, an
7.14 individual or business must not perform the services described
7.15 in this chapter and chapters 7080 to 7082, as published in the
7.16 State Register, volume .., page .., and as subsequently adopted,
7.17 unless licensed by the commissioner under the appropriate
7.18 license category in parts 7083.0720 to 7083.0800.
7.19 7083.0720 REQUIREMENTS FOR SSTS LICENSED BUSINESSES.
7.20 A licensed business must:
7.21 A. ensure that all SSTS work is conducted according
7.22 to applicable requirements;
7.23 B. ensure that the business's certified individuals
7.24 or apprentices fulfill the conditions under parts 7083.0710 to
7.25 7083.0800;
7.26 C. designate an adequate number of certified
8.1 individuals to meet the requirements under this chapter;
8.2 D. maintain the bond and insurance required under
8.3 part 7083.1000;
8.4 E. prepare and submit written reports according to
8.5 local ordinance requirements and requirements in this chapter
8.6 and chapters 7080 and 7081, as published in the State Register,
8.7 volume .., page .., and as subsequently adopted;
8.8 F. notify the commissioner in writing within 30 days
8.9 if the business has:
8.10 (1) a change of address;
8.11 (2) a change in certified individuals; or
8.12 (3) a change in bond or insurance coverage; and
8.13 G. maintain all reports for a minimum of five years.
8.14 7083.0730 REQUIREMENTS FOR CERTIFIED INDIVIDUALS.
8.15 A certified individual must:
8.16 A. provide direction and personal supervision to
8.17 noncertified employees working on an SSTS;
8.18 B. ensure the work completed meets applicable
8.19 requirements; and
8.20 C. complete a certified statement for required
8.21 reports.
8.22 7083.0740 DESIGN LICENSE.
8.23 **Subpart 1. Authorization.**
8.24 A. A basic licensed design business may conduct site
8.25 and soil evaluations, design systems, and write management plans
8.26 for a Type I, II, or III ISTS as described under part 7080.2200

9.1 to 7080.2300, as published in the State Register, volume . . .
9.2 page . . . and as subsequently adopted, serving dwellings or other
9.3 establishments with an average daily flow of 2,500 gallons or
9.4 less.

9.5 B. An advanced licensed design business may conduct
9.6 site and soil evaluations, design systems, and write management
9.7 plans for Type I to Type V systems as described in parts
9.8 7080.2200 to 7080.2400, as published in the State Register,
9.9 volume . . . , page . . . , and as subsequently adopted, serving
9.10 dwellings or other establishments with an average daily flow of
9.11 2,500 gallons per day or less.

9.12 C. An MSTs licensed design business may conduct site
9.13 and soil evaluations, design systems, and write management plans
9.14 for systems described in items A and B and an MSTs.

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

9.16 A. inform the proposed system owner of:

9.17 (1) the classification of the system under parts
9.18 7080.2200 to 7080.2400, as published in the State Register,
9.19 volume . . . , page . . . , and as subsequently adopted; and
9.20 (2) the estimated costs for construction,
9.21 operation, monitoring, service, component replacement, and
9.22 management and the anticipated system life; and

9.23 B. provide written reasonable assurance of system
9.24 performance to the local unit of government including, but not
9.25 limited to:

9.26 (1) adherence to system type requirements; or
9.27 (2) technical basis for design elements for Type

10.1 II to Type V systems.

10.2 Subp. 3. Certified designers. Certified designers must
10.3 review soil and site evaluations and designs by noncertified
10.4 employees. This review includes both verification of field
10.5 observations and conclusions and design assumptions and
10.6 calculations.

10.7 7083.0750 INSPECTION LICENSE.

10.8 Subpart 1. Authorization.

10.9 A. A licensed inspection business may conduct
10.10 compliance inspections and issue written certificates of
10.11 compliance and notices of noncompliance for an existing ISTS
10.12 described in part 7083.0740, subpart 1, items A and B. An
10.13 inspection business may install a new system for a property in
10.14 which the business has conducted an existing ISTS compliance
10.15 inspection, provided the business holds the appropriate
10.16 licenses. A licensed inspection business may be authorized to
10.17 review and approve site evaluations and designs, inspect new
10.18 construction and replacement systems, review management plans,
10.19 and issue written certificates of compliance and notices of
10.20 noncompliance for systems described in part 7083.0740, subpart
10.21 1, items A and B, on behalf of a local unit of government.

10.22 B. A licensed MSTs inspection business may conduct
10.23 compliance inspections and issue written certificates of
10.24 compliance and notices of noncompliance for an existing MSTs
10.25 described in part 7083.0740, subpart 1, item C. An inspection
10.26 business may install a new system for a property in which the
10.27 business has conducted an existing system compliance inspection,

11.1 provided the business holds the appropriate licenses. A
11.2 licensed MSTS inspection business may be authorized to review
11.3 and approve site evaluations and designs, inspect new
11.4 construction and replacement systems, review management plans,
11.5 and issue written certificates of compliance and notices of
11.6 noncompliance for systems described in part 7083.0740, subpart
11.7 1, item C, on behalf of a local unit of government.
11.8 Subp. 2. Responsibilities. Inspection and MSTS inspection
11.9 licensees must submit the agency's existing inspection form to
11.10 the local unit of government and the property owner within 30
11.11 days after any existing system compliance inspection.
11.12 Subp. 3. Certified inspectors. Certified inspectors are
11.13 responsible for personally conducting the necessary procedures
11.14 to assess system compliance. Certified inspectors must complete
11.15 and sign the agency's existing system inspection form.
11.16 7083.0760 INSTALLATION LICENSE.
11.17 Subpart 1. Authorization. A licensed installation
11.18 business may construct, install, alter, extend, maintain, or
11.19 repair all SSTS according to an approved design.
11.20 Subp. 2. Responsibilities. Installation licensees must:
11.21 A. ensure all work is done according to an approved
11.22 design report;
11.23 B. notify the local unit of government when work is
11.24 in need of required inspections;
11.25 C. provide as-built drawings to the owner and local
11.26 unit of government within 30 days of system installation;
11.27 D. maintain quality control and quality assurance
12.1 records for five years;
12.2 E. provide system owners with information concerning
12.3 system operation and maintenance;
12.4 F. ensure that all construction activities comply
12.5 with applicable storm water regulations;
12.6 G. institute no change from the signed and approved
12.7 design report until the proposed change is made by the designer
12.8 and approved by the local unit of government;
12.9 H. negotiate with the system owner to determine who
12.10 will be responsible for seeding, erosion and frost protection,
12.11 watering, and other vegetation establishment activities; and
12.12 I. pay the septic system tank fee and submit the form
12.13 according to Minnesota Statutes, section 115.551, including
12.14 notification if no tanks were installed during the reporting
12.15 year. The form and payment are due to the commissioner by
12.16 January 31 for the previous calendar year's installations.
12.17 Subp. 3. Certified installers. Certified installers must
12.18 be at the worksite to meet supervision needs as determined by
12.19 the training and experience level of the crew and local
12.20 requirements and to ensure that the installation, alteration, or
12.21 extension of an SSTS is in accordance with an approved design
12.22 report and permit. The certified installer must prepare quality
12.23 control and quality assurance records and prepare and sign
12.24 as-built drawings. The certified installer must personally
12.25 determine, supervise, and verify:
12.26 A. the system layout and placement;
12.27 B. that site conditions allow for construction;

13.1 C. the proper soil moisture conditions for
13.2 excavation;
13.3 D. the elevations of sewage tanks and soil treatment
13.4 systems;
13.5 E. the quality of tanks and suitability of other
13.6 materials;
13.7 F. solutions to problems encountered; and
13.8 G. upgrade and repair advice provided.
13.9 7083.0770 MAINTENANCE LICENSE.
13.10 Subpart 1. Authorization. A licensed maintenance business
13.11 may measure scum and sludge depths in sewage tanks for the
13.12 accumulation of solids and removing these deposits; remove
13.13 solids and liquids from toilet waste treatment devices;
13.14 transport septage; land apply septage or dispose of septage in a
13.15 treatment facility; identify problems related to sewage tanks,
13.16 baffles, maintenance hole covers, extensions, and pumps and make
13.17 the repairs; evaluate sewage tanks, dosing chambers,
13.18 distribution devices, valve boxes, or drop boxes for leakage;
13.19 identify cesspools, seepage pits, leaching pits, and drywells;
13.20 and clean supply pipes and distribution pipes for all SSTS.
13.21 Subp. 2. Responsibilities. Maintenance licensees must:
13.22 A. record pump-out date, gallons removed, any tank
13.23 leakage below or above the operating depth, the access point
13.24 used to remove the septage, the method of disposal, the reason
13.25 for pumping, and any troubleshooting or repairs conducted. This
13.26 information must be submitted to the homeowner within 30 days
13.27 after the maintenance work is performed. Maintenance business
14.1 pumping record information must be maintained by the business
14.2 for a period of five years;
14.3 B. observe and provide written reports of any
14.4 noncompliance to the system owner within 30 days;
14.5 C. report new service contracts entered into or
14.6 cancellation of current service contracts to the local unit of
14.7 government within 30 days after the maintenance work is
14.8 performed; and
14.9 D. obtain a signed statement if the owner refuses to
14.10 allow the removal of solids and liquids through the maintenance
14.11 hole.
14.12 Subp. 3. Certified maintainers. Certified maintainers
14.13 must provide proper training, daily review of work, and periodic
14.14 observation of work conducted by noncertified individuals.
14.15 Certified maintainers are responsible for conducting or
14.16 supervising:
14.17 A. the measurement of scum and sludge depths;
14.18 B. the making of sensory observations if nondomestic
14.19 wastes may have been discharged into the system;
14.20 C. the identification of problems and watertightness
14.21 related to sewage tanks;
14.22 D. the assessment of the condition of baffles,
14.23 effluent screens, maintenance hole covers, and extensions;
14.24 E. the removal of septage; and
14.25 F. the land application of septage or disposal in a
14.26 treatment facility.
14.27 7083.0780 SERVICE PROVIDER LICENSE.

15.1 Subpart 1. Authorization. A licensed service provider
15.2 business may measure scum and sludge depths for the accumulation
15.3 of solids; identify problems related to sewage tanks, baffles,
15.4 effluent screens, maintenance hole covers, extensions, and pumps
15.5 and make the repairs; evaluate sewage tanks, dosing chambers,
15.6 distribution devices, valve boxes, or drop boxes for leakage;
15.7 and clean supply pipes and distribution pipes. Service provider
15.8 businesses may also assess, adjust, and service systems for
15.9 proper operation; take, preserve, store, and ship samples for
15.10 analysis; interpret sampling results and report results for an
15.11 SSTS; and operate sewage collections systems discharging to an
15.12 SSTS.

15.13 Subp. 2. Responsibilities. Service provider licensees
15.14 must:

15.15 A. report sampling results, operational observations,
15.16 system adjustments, and other management activities in
15.17 compliance with local ordinances, management plans, or operating
15.18 permit requirements;

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

15.21 C. report new service contracts entered into or
15.22 cancellation of current service contracts to the local unit of
15.23 government within 30 days.

15.24 Subp. 3. Certified service providers. Certified service
15.25 providers must provide proper training, daily review of work,
15.26 and periodic observation of work conducted by noncertified
15.27 individuals. Certified service providers are responsible for
16.1 conducting or supervising:

16.2 A. the measurement of scum and sludge depths for the
16.3 accumulation of solids;

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

16.6 C. the identification of problems and watertightness
16.7 related to sewage tanks; and

16.8 D. the assessment of the condition of baffles,
16.9 effluent screens, maintenance hole covers, and extensions.

16.10 Subp. 4. Certified service providers. Certified service
16.11 providers must personally:

16.12 A. assess the operational status and system
16.13 performance by sampling, measuring, and observing in compliance
16.14 with the management plan or operating permit;

16.15 B. preserve, store, and ship samples for analysis and
16.16 interpret sampling results;

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

16.19 D. assess the operational status of sewage collection
16.20 systems and adjust, repair, or replace components to bring the
16.21 system into proper operational status; and

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

16.24 7083.0790 OTHER WORK.

16.25 In the case of SSTS work not described under parts
16.26 7083.0740 to 7083.0780, the commissioner shall determine if a
16.27 license is necessary and, if so, which license category is

17.1 applicable along with the requirements necessary to obtain a
17.2 license.

17.3 7083.0800 RESTRICTED LICENSES.

17.4 The commissioner may add restrictions to a license for the
17.5 following reasons:

17.6 A. as the result of an enforcement action under part
17.7 7083.2020;

17.8 B. as a method to allow an apprentice to gain
17.9 experience as described under part 7083.1050, subpart 2, item B;
17.10 or

17.11 C. as a method to limit the scope of the work to be
17.12 conducted under the license to coincide with restrictions placed
17.13 on the certified individual according to part 7083.2010, subpart
17.14 6.

17.15 7083.0900 APPLICATION FOR LICENSE; FEES; RENEWAL.

17.16 Subpart 1. Eligibility. A business is eligible to apply
17.17 for an SSTS license when it has:

17.18 A. one or more certified individuals with specialty
17.19 area certifications matching the requested license to meet the
17.20 conditions under parts 7083.0710 to 7083.0800;

17.21 B. general liability insurance as required by part
17.22 7083.1000; and

17.23 C. a corporate surety bond as required by part
17.24 7083.1000.

17.25 Subp. 2. Requirements for obtaining or renewing licenses.

17.26 A business that meets the eligibility requirements under subpart
18.1 1 may apply for or renew a license on forms provided by the
18.2 commissioner. The application must be submitted to the agency
18.3 no later than 60 days prior to the expiration or renewal date.
18.4 Issuance of a new license also requires a 60-day review and
18.5 approval period.

18.6 Subp. 3. Fees. The annual SSTS license fee is \$100 for
18.7 each license category under parts 7083.0710 to 7083.0800. The
18.8 annual license fee for a business with multiple licenses shall
18.9 not exceed \$200.

18.10 Subp. 4. Issuance. Upon the commissioner's approval of
18.11 the license application and payment of the license fee, a
18.12 license must be issued to the proprietor of a sole
18.13 proprietorship, the partners of a partnership, or the corporate
18.14 chief executive officer or a qualifying person in Minnesota
18.15 designated by a corporation.

18.16 Subp. 5. Term. A license is valid for one year after the
18.17 date of issuance. License renewals may be requested for longer
18.18 periods up to three years. The fee is determined by multiplying
18.19 the approved number of years by the fee in subpart 3.

18.20 Subp. 6. Denial. The commissioner shall deny an
18.21 application for issuance or renewal of a license if the
18.22 applicant is not eligible under subpart 1. A license
18.23 application may also be denied as the result of an enforcement
18.24 action under part 7083.2020. A pending denial based on part
18.25 7083.2020 may not be issued before an opportunity is provided
18.26 for a contested case hearing complying with Minnesota Statutes,
18.27 chapter 14.

19.1 7083.1000 BONDING AND INSURANCE FOR SSTS LICENSED BUSINESSES;

19.2 LIABILITY.

19.3 Subpart 1. Bond and insurance requirements.

19.4 A. To be eligible for SSTS licensing, a business must
19.5 have a minimum of \$100,000 of general liability insurance. The
19.6 minimal amount is not increased for businesses with multiple
19.7 licenses. The insurance must be written by a business licensed
19.8 to provide insurance in Minnesota.

19.9 B. To be eligible for SSTS licensing, proof of
19.10 general liability insurance must be evidenced by a certificate
19.11 of insurance form that shows the minimum coverage that will be
19.12 in effect for at least the term of the license. The licensee is
19.13 responsible for providing written notice to the commissioner
19.14 within 30 days of cancellation or change in liability
19.15 insurance. If the insurance is canceled or the amount of
19.16 coverage is reduced to less than the amounts in item A, the
19.17 license immediately and automatically becomes invalid and the
19.18 business must not perform SSTS work until the business obtains
19.19 insurance meeting the requirements of this part and submits
19.20 notification of insurance coverage to the commissioner.

19.21 C. To be eligible for SSTS licensing, a business must
19.22 hold a corporate surety bond in the amounts specified in Table I
19.23 or greater. If a business seeks more than one license, then the
19.24 license category with the highest bonding amount fulfills the
19.25 bond requirement for all licenses sought. A licensed SSTS
19.26 business must disclose the amount of bond coverage to those to
19.27 whom they are providing services.

20.1 Table I

20.3	<u>License</u>	<u>Minimum Bond Amounts</u>
20.5	<u>Basic design</u>	<u>\$10,000</u>
20.6	<u>Advanced design</u>	<u>\$15,000</u>
20.7	<u>MSTS design</u>	<u>\$25,000</u>
20.8	<u>Inspection</u>	<u>\$10,000</u>
20.9	<u>MSTS inspection</u>	<u>\$25,000</u>
20.10	<u>Installation</u>	<u>\$10,000</u>
20.11	<u>Maintenance</u>	<u>\$10,000</u>
20.12	<u>Service provider</u>	<u>\$10,000</u>

20.14 D. The corporate surety bond must be written by a
20.15 corporate surety licensed to do business in Minnesota.

20.16 E. The corporate surety bond must be submitted to the
20.17 commissioner on the bond form provided in part 7080.2030 and
20.18 must name the applicant as the principal.

20.19 F. The corporate surety bond must be signed by an
20.20 official of the business who is legally authorized to represent
20.21 the business and must list a contact if a claim is to be filed.

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

20.24 Subp. 2. Bond use.

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

20.29 B. A person suffering a loss from the principal
20.30 failing to act according to item A may petition the corporate
20.31 surety and may be granted payment of the bond.
20.32 Subp. 3. Term of bond. The term of the corporate surety
20.33 bond must be continuous with the term of the license. The penal
20.34 sum of the bond is noncumulative and must not be aggregated
21.1 every year that the bond is in force.
21.2 Subp. 4. Notification of bond actions. The corporate
21.3 surety must provide written notice to the commissioner within 30
21.4 days of cancellation or reduction of a licensee's bond. If a
21.5 corporate surety bond is canceled or the amount of coverage is
21.6 reduced to less than the amounts in subpart 1, Table I, the
21.7 license immediately and automatically becomes invalid and the
21.8 business must not perform SSTS work until the business obtains
21.9 another corporate surety bond meeting the requirements of this
21.10 part and submits notification of renewed bond coverage to the
21.11 commissioner. The corporate surety must notify the principal of
21.12 any claims pending against the bond within five days of the
21.13 receipt of the claim and notify the principal of any payments
21.14 made against the bond within five days of payment.
21.15 Subp. 5. Other professional assistance. An SSTS business
21.16 that seeks, accepts, and implements work products developed by a
21.17 noncertified individual is responsible and liable for the
21.18 related performance of the system.
21.19 7083.1010 QUALIFIED EMPLOYEE REQUIREMENTS.
21.20 A qualified employee must fulfill the applicable
21.21 responsibilities under parts 7083.0710 to 7083.0800 that are
21.22 applicable to the work being performed. Qualified employees
21.23 must be certified with specialty area certifications applicable
21.24 to the work being conducted. A qualified employee may be an
21.25 apprentice if the individual has specialty area certifications
21.26 applicable to the work to be completed, has fulfilled the
21.27 requirement under part 7083.1050, subpart 2, and has been issued
22.1 performance restrictions.
22.2 7083.1020 SSTS INDIVIDUAL CERTIFICATION AND TRAINING PROGRAM.
22.3 Subpart 1. Purpose. Parts 7083.1020 to 7083.1090
22.4 establish the SSTS individual certification and training
22.5 program. This program establishes training, experience, and
22.6 examination requirements for SSTS individual certification. An
22.7 individual may be certified in the following specialty areas:
22.8 A. designer;
22.9 B. advanced designer;
22.10 C. MSTS designer;
22.11 D. inspector;
22.12 E. MSTS inspector;
22.13 F. installer;
22.14 G. maintainer; and
22.15 H. service provider.
22.16 Subp. 2. Program components. An individual must
22.17 successfully complete the following components for a specialty
22.18 area to qualify for certification in that specialty area:
22.19 A. training described under part 7083.1030;
22.20 B. examination described under part 7083.1040;
22.21 C. experience described under part 7083.1050; and

22.22 D. continuing education described under part
22.23 7083.1060.

22.24 Subp. 3. Application. An individual who qualifies under
22.25 subpart 2, items A to C, for a specialty area may apply to be
22.26 certified by the commissioner according to part 7083.1080.
22.27 Individuals who complete subpart 2, items A and B, for a
23.1 specialty area may apply to receive an apprentice designation
23.2 according to part 7083.1090.

23.3 Subp. 4. Certification period. A certification issued by
23.4 the commissioner is valid for a three-year period.

23.5 Subp. 5. Applicable certification specialty area. In the
23.6 case of SSTS work not described under parts 7083.0710 to
23.7 7083.0800, the commissioner shall determine which certification
23.8 specialty area is applicable.
23.9 7083.1030 TRAINING.

23.10 Subpart 1. Required training. To fulfill the training
23.11 requirement for one or more specialty areas under the
23.12 certification and training program, an individual must
23.13 successfully complete formal coursework that covers basic SSTS
23.14 knowledge and specialty area training as described in items A
23.15 and B.

23.16 A. All certified individuals must have formal SSTS
23.17 training in soil treatment theory; design and construction
23.18 fundamentals; system operational requirements; statute and rule
23.19 requirements; technology options; and state licensing
23.20 requirements, standards, and criteria.

23.21 B. SSTS specialty area certifications must have
23.22 formal training to perform the required responsibilities for
23.23 each specialty area in parts 7083.0710 to 7083.0800. Advanced
23.24 and MSTTS designers must receive training in a specific
23.25 technology before designing and writing a management plan for
23.26 that technology.

23.27 Subp. 2. Accreditation of training. Training used to
24.1 fulfill the requirements under subpart 1 and part 7083.1060 must
24.2 be accredited by the commissioner according to part 7083.1070.
24.3 7083.1040 EXAMINATION.

24.4 Subpart 1. Examinations. An examination for basic
24.5 information regarding an SSTS and each of the specialty areas
24.6 under part 7083.1020, subpart 1, must be offered by the
24.7 commissioner at least annually. The examinations must be based
24.8 on the skill, knowledge, experience, and education that a person
24.9 must have to perform the authorized duties and responsibilities
24.10 under parts 7083.0710 to 7083.0800 for each specialty area
24.11 sought. An individual must successfully complete the basic and
24.12 specialty area examinations with a passing score of 70 percent
24.13 or greater to qualify for certification and apprentice
24.14 designation. The commissioner may require a passing score of 70
24.15 percent or greater on any portion or subpart of an examination,
24.16 which focuses on a critical skill component, in order to pass
24.17 the entire examination.

24.18 Subp. 2. Expiration of test score. An examination that
24.19 qualifies for certification expires if the continuing education
24.20 requirements under part 7083.1060, subpart 1, are not
24.21 fulfilled. The period within which continuing education must be

24.22 completed starts when the first examination is taken in which a
24.23 passing score is received.

24.24 Subp. 3. Failure on examination. An individual who fails
24.25 an examination is ineligible to retake the same examination for
24.26 six months unless the individual has completed additional
24.27 training approved by the agency in the subject matter covered by
25.1 the failed examination in addition to that required under part
25.2 7083.1030, subpart 1. Official documentation of this additional
25.3 training must be provided at the time the examination is retaken.
25.4 Training hours used to fulfill this reexamination requirement
25.5 may not be used to fulfill continuing education requirements.
25.6 Failure to pass the examination in a specialty area or the basic
25.7 examination does not prevent the person from taking an
25.8 examination for a different specialty area certification.
25.9 7083.1050 EXPERIENCE.

25.10 Subpart 1. Experience requirements. An individual seeking
25.11 certification must:

25.12 A. complete the experience requirement according to
25.13 one of the methods under subpart 2;

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

25.16 C. acquire necessary experience within the six years
25.17 immediately preceding submission of the completed certification
25.18 application; and

25.19 D. complete and submit the documentation requirements
25.20 under subpart 4.

25.21 Subp. 2. Options to gain experience. The experience
25.22 needed to qualify for a specialty area may be acquired by one of
25.23 the methods in items A to D.

25.24 A. Experience may be completed as an employee or
25.25 worker of a licensed SSTS business under an experience plan as
25.26 described in subpart 3.

25.27 B. Experience may be gained as an apprentice under a
26.1 restricted license. Qualifying experience under a restricted
26.2 license must be completed under an experience plan as described
26.3 in subpart 3.

26.4 C. Experience may be gained through field work
26.5 experience from an agency-accredited training program that
26.6 provides realistic in-field work situations.

26.7 D. Experience may be gained through a method approved
26.8 by the commissioner.

26.9 Subp. 3. Experience plan. Experience plans must meet the
26.10 requirements in this subpart.

26.11 A. Experience gained under an experience plan must be
26.12 gained under the supervision of an unrestricted certified
26.13 individual who has a specialty area certification that is the
26.14 same as the specialty area sought by the individual acquiring
26.15 the experience or under the supervision of an inspector who is
26.16 authorized to design and inspect the system. After December 31,
26.17 2010, an individual providing experience oversight must be a
26.18 mentor as described in part 7083.2000.

26.19 B. Experience plans must be submitted to and approved
26.20 by the commissioner before apprentice designation is granted.
26.21 The commissioner may require that the plan be discontinued or

26.22 modified to correct the problems if the objectives for acquiring
26.23 experience are not being fulfilled. The commissioner shall make
26.24 a final evaluation to determine if the experience gained under
26.25 the plan successfully fulfilled the experience requirement.

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

27.2 (1) Experience plans for apprentice designer must
27.3 verify the completeness and accuracy of the preliminary and
27.4 field evaluation work products. This includes the in-field
27.5 verification of the soil borings and the interpretation of the
27.6 height of the seasonally high saturated soil level and bedrock.
27.7 All design assumptions and calculations must be verified.

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

27.13 (3) Experience plans for apprentice inspector
27.14 must verify the completeness and accuracy of inspecting the
27.15 compliance status of a newly constructed or existing ISTS. This
27.16 verification includes a field verification of all field
27.17 observations and conclusions. Design reviews must also be
27.18 verified.

27.19 (4) Experience plans for an apprentice maintainer
27.20 must verify that sewage tanks were maintained and septage
27.21 disposal was in accordance with applicable rules. This
27.22 verification includes a field verification of all work
27.23 activities.

27.24 Subp. 4. Experience plan reporting.

27.25 A. All work used to gain experience for certification
27.26 must be documented. Documentation shall include all
27.27 information, records, or other documents required by this
28.1 chapter or chapters 7080 to 7082, as published in the State
28.2 Register, volume .., page .., and as subsequently adopted. The
28.3 documentation must be submitted to the commissioner from a
28.4 minimum of five jobs along with the experience plan from those
28.5 same jobs. The documentation must provide the basis for
28.6 approval or denial of a certification.

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

28.10 C. The completed experience plan must contain the
28.11 signature and certification number of the mentor.

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

28.14 Subp. 5. Amount of experience.

28.15 A. An applicant for certification as a designer must
28.16 have co-completed with a mentor a minimum of 15 ISTS site and
28.17 soil evaluations, designs, and management plans for a Type I,
28.18 II, or III system, as defined under parts 7080.2200 and
28.19 7080.2300, as published in the State Register, volume .., page
28.20 .., and as subsequently adopted, with a minimum of one
28.21 aboveground system design, and a minimum of one belowground

28.22 system design. An applicant must observe five installations and
28.23 five service or operational instances, with mentorship not
28.24 required. No additional experience is required to qualify for
28.25 the advanced or MSTS designer certification.

28.26 B. An applicant for certification as an installer
28.27 must have completed a minimum of 15 ISTS installations, with a
29.1 minimum of one aboveground system installation and a minimum of
29.2 one belowground system installation. An applicant must observe
29.3 five service or operational instances, with mentorship not
29.4 required.

29.5 C. An applicant for certification as an inspector
29.6 must have co-completed with a mentor a minimum of 15 inspections
29.7 of Type I to V systems. No additional experience is required to
29.8 qualify for an MSTS certification.

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

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

29.14 7083.1060 CONTINUING EDUCATION.

29.15 Subpart 1. **Renewal requirements.**

29.16 A. All designers and inspectors who are certified or
29.17 apprentices must complete 18 hours of continuing education
29.18 training related to SSTS every three years, with a minimum of
29.19 six of those hours devoted to soils education with a field
29.20 component. All installers and service providers who are
29.21 certified or apprentices must complete 12 hours of continuing
29.22 education training related to SSTS every three years.

29.23 B. An individual with a maintainer certification must
29.24 complete nine hours of continuing education related in general
29.25 to SSTS or six hours of continuing education specifically
29.26 related to SSTS maintenance or land application of septage every
29.27 three years. A maintainer whose gross annual revenue from
30.1 pumping systems is \$9,000 or less and whose gross revenue from
30.2 pumping systems during the year ending May 11, 1994, was at
30.3 least \$1,000 is not subject to the continuing education
30.4 requirements.

30.5 C. Certified individuals and apprentices must
30.6 complete the applicable hours of continuing education under
30.7 items A and B that meet the criteria under subpart 2 for each
30.8 time period specified in those items. The continuing education
30.9 requirement is not increased for multiple specialty area
30.10 certifications. Continuing education hours earned in excess of
30.11 those required under this subpart may not be carried over to
30.12 meet the requirements for future renewal periods. The renewal
30.13 period begins when the first examination is taken in which a
30.14 passing score is received under part 7083.1040.

30.15 D. The continuing education must be taken during the
30.16 time specified in this subpart and remains valid even though not
30.17 reported before the end of the certification period. However,
30.18 certification is considered expired until the training is
30.19 reported. If adequate continuing education training is not
30.20 taken during the certification period, recertification must be
30.21 gained by retaking the examinations.

30.22 E. In each certification period, certified
30.23 individuals and apprentices must accrue continuing education
30.24 hours specified in items A to C. At least one-half of the
30.25 required training must be directly related to the administrative
30.26 and technical parts of chapters 7080 to 7083 as published in the
30.27 State Register, volume . . , page . . , and as subsequently adopted,
31.1 as determined by the commissioner.

31.2 Subp. 2. Criteria for continuing education. Coursework
31.3 that qualifies for continuing education credit is coursework
31.4 related to the technical aspects of sewage, sewage treatment,
31.5 SSTS, soil identification, soil interpretation, soil water
31.6 movement, engineering or environmental health related to SSTS,
31.7 maintenance or operation of an SSTS, land application of wastes,
31.8 or other related topics. Credit must also be given for
31.9 coursework relating to state SSTS rules and statutes and
31.10 coursework related to the administration of local ordinances,
31.11 permitting, and inspection. Only programs accredited or
31.12 otherwise authorized by the commissioner for continuing
31.13 education credit may be used to maintain a certification or
31.14 apprentice designation.

31.15 7083.1070 ACCREDITATION OF TRAINING PROGRAMS AND AUTHORIZATION
31.16 OF TRAINING FOR CONTINUING EDUCATION CREDITS.

31.17 Subpart 1. Requirements. To receive training program
31.18 accreditation for basic, specialty area, or continuing education
31.19 training, the program sponsor must submit to the commissioner:

31.20 A. a written objective that describes expected
31.21 outcomes for the participant;

31.22 B. the credentials of the persons conducting the
31.23 training that demonstrates the trainers' educational and
31.24 professional background and expertise in and knowledge of SSTS
31.25 and state SSTS standards, rules, and statutes and specifies the
31.26 subject areas that the trainers will be responsible for;

31.27 C. a training plan that demonstrates how the course
32.1 will meet the requirements in parts 7083.1030 and 7083.1060;

32.2 D. a method for evaluating successful completion,
32.3 including the form that will document course participation and
32.4 successful completion;

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

32.8 F. a document signed by a representative of the
32.9 sponsoring organization certifying that the sponsor will
32.10 maintain records of participants, attendance, and successful
32.11 completions for a minimum of three years.

32.12 Subp. 2. Procedures for approval. The commissioner shall
32.13 approve a training course if the information submitted under
32.14 subpart 1 demonstrates that the course meets the objectives for
32.15 a specific specialty area under part 7083.1030 or for continuing
32.16 education under part 7083.1060. The commissioner shall evaluate
32.17 the submitted information to determine how many continuing
32.18 education credits will be awarded. The accreditation may be
32.19 reevaluated by the commissioner at any time. The commissioner
32.20 may require that the training program be updated to ensure
32.21 recent industry developments are included. Accreditation may be

32.22 canceled by the commissioner if the program sponsor does not
32.23 respond to the commissioner's written request for program
32.24 information or training course revisions or if the commissioner
32.25 determines that the program has not met its training objective.

32.26 Subp. 3. Authorization of training for continuing
32.27 education credits. Nonaccredited training may qualify for
33.1 continuing education credits only if authorized by the
33.2 commissioner. The person requesting the credits must provide
33.3 the information requirements of subpart 1 for any nonaccredited
33.4 training attended and document in written format how the course
33.5 will meet or has met the requirements under part 7083.1030 or
33.6 7083.1060, including proof of successful completion of the
33.7 training. The commissioner may prorate the credit hours granted
33.8 based on the amount of the training that pertains to the SSTS
33.9 specialty area for which it is requested.

33.10 7083.1080 SSTS CERTIFICATION.

33.11 Subpart 1. Qualifications. The commissioner shall certify
33.12 in the appropriate specialty area individuals who successfully
33.13 satisfy the requirements in parts 7083.1030 to 7083.1060 as
33.14 applicable to a specialty area in part 7083.1020, subpart 1, and
33.15 submit a completed application under part 7083.2010, subpart 1,
33.16 that is approved by the commissioner.

33.17 Subp. 2. Multiple certifications. A certification for
33.18 each specialty area successfully completed must be added to an
33.19 individual's certification.

33.20 Subp. 3. Certification required. Except as provided under
33.21 part 7083.1090, subpart 1, certified individuals under part
33.22 7083.0900, subpart 1, item A, and qualified employees must be
33.23 certified under this part.

33.24 Subp. 4. Maintaining certification. To maintain
33.25 certification, an individual must fulfill the continuing
33.26 education requirements under part 7083.1060, complete the
33.27 renewal requirements under part 7083.2010, subpart 4, and
34.1 fulfill the responsibilities under parts 7083.0710 to 7083.0800
34.2 that are applicable to specialty area certifications.

34.3 Subp. 5. Certification maintenance. The commissioner
34.4 shall assign certification numbers, maintain a statewide
34.5 certification list, record training, and monitor performance of
34.6 all persons certified.

34.7 7083.1090 APPRENTICE.

34.8 Subpart 1. Qualifications.

34.9 A. An individual is designated as an apprentice if
34.10 the individual:

34.11 (1) successfully completes the requirements in
34.12 parts 7083.1030 and 7083.1040 for the specialty areas listed in
34.13 part 7083.1020, subpart 1;

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

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

34.18 B. An apprentice may perform the duties of a
34.19 certified individual according to parts 7083.0730 to 7083.0780
34.20 under a restricted license or as a restricted qualified employee
34.21 if the experience requirements of part 7083.1050 are met.

34.22 Subp. 2. Maintaining apprentice designation. To maintain
34.23 an apprentice designation, an individual must:
34.24 A. fulfill the continuing education requirements in
34.25 part 7083.1060;
34.26 B. complete the renewal requirements in part
34.27 7083.2010, subpart 4; and
35.1 C. fulfill the responsibilities in parts 7083.0710 to
35.2 7083.0800 that are applicable to specialty area certifications.
35.3 A certification for each specialty area successfully
35.4 completed must be added to an individual's certification or
35.5 apprentice designation.
35.6 7083.2000 MENTOR DESIGNATION.
35.7 Subpart 1. Qualifications. To be authorized to provide
35.8 mentorship to an individual to gain the necessary experience for
35.9 certification under part 7083.1050, subpart 2, items A and B, a
35.10 mentor must:
35.11 A. be certified in the mentor specialty area or be an
35.12 inspector; and
35.13 B. not have had a violation that resulted in a
35.14 successful enforcement action within the past five years.
35.15 Subp. 2. Commissioner designation. A candidate found to
35.16 meet the qualifications as a mentor under this part must be
35.17 designated by the commissioner as a mentor. The commissioner
35.18 may revoke mentorship designation upon finding a violation that
35.19 results in an administrative penalty order, stipulation
35.20 agreement, or schedule of compliance; incompetence; negligence;
35.21 fraud; illegal activity; or inappropriate conduct in the
35.22 performance of the duties authorized under the mentorship
35.23 designation.
35.24 Subp. 3. Responsibility. The mentor is not responsible
35.25 for any noncompliance attributed to the work of the apprentice.
35.26 The licensed SSTS business is responsible if the mentor and
35.27 apprentice are working as employees or on behalf of the same
36.1 licensed SSTS business.
36.2 7083.2010 ADMINISTRATION OF CERTIFICATION AND APPRENTICE PROGRAM.
36.3 Subpart 1. Application; issuance. An individual meeting
36.4 the qualifications in part 7083.1080, subpart 1, or 7083.1090,
36.5 subpart 1, is eligible to apply for certification or apprentice
36.6 designation on a form provided by the commissioner. The
36.7 commissioner requires 60 days for review of the application. A
36.8 complete application consists of documentation of training and
36.9 experience or the experience gaining method meeting the
36.10 requirements under part 7083.1050, subpart 2. A certification
36.11 or apprentice applicant may not fulfill the duties and
36.12 responsibilities of a certified or apprentice individual until
36.13 designated as such in writing by the commissioner.
36.14 Subp. 2. Approval of certification or apprentice
36.15 designation. Upon the commissioner's approval of the
36.16 certification or apprentice application, the commissioner shall
36.17 issue a number and verification of the individual's status.
36.18 Subp. 3. Certification and apprenticeship
36.19 period. Certifications or apprenticeships issued by the
36.20 commissioner are valid for three years.
36.21 Subp. 4. Renewal. Every three years, the certified

36.22 individual or apprentice shall submit an application for renewal
36.23 on forms provided by the commissioner no later than 60 days
36.24 prior to the expiration date. The renewal application must be
36.25 accompanied by documentation of continuing education under part
36.26 7083.1060.

36.27 Subp. 5. Denial of application. The commissioner may deny
37.1 an application or renewal application for a certification or
37.2 apprentice based on evidence of actions listed under part
37.3 7083.2020. Notice of the pending denial must be served on the
37.4 applicant by mail. Any pending denial based on part 7083.2020
37.5 shall not be issued before an opportunity is provided for a
37.6 contested case hearing complying with Minnesota Statutes,
37.7 chapter 14.

37.8 Subp. 6. Restrictions; conditions. The commissioner may
37.9 add performance restrictions and training conditions to an
37.10 individual certification or apprentice designation at any time
37.11 to address unusual work situations or experience requirements,
37.12 to take enforcement action under part 7083.2020, or to limit the
37.13 scope of responsibilities under parts 7083.0710 to 7083.0800,
37.14 for an individual. Notice of the pending restriction must be
37.15 served on the applicant by mail. Any pending restriction shall
37.16 not be issued before an opportunity is provided for a contested
37.17 case hearing complying with Minnesota Statutes, chapter 14.
37.18 7083.2020 ENFORCEMENT ACTION.

37.19 Subpart 1. SSTS business licenses. The commissioner may
37.20 deny, suspend, restrict, revoke, place corrective action, fine,
37.21 raise bond amounts, or institute other sanctions against an SSTS
37.22 business license for any of the following reasons:

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

37.24 B. failure to comply with applicable requirements;

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

37.27 D. failure to provide adequate supervision to
38.1 noncertified employees;

38.2 E. incompetence, negligence, fraud, illegal activity,
38.3 or inappropriate conduct in the performance of the duties
38.4 authorized under the license;

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

38.8 G. failure to comply with applicable soil dispute
38.9 resolution requirements.

38.10 Subp. 2. Certification and apprentice. The commissioner
38.11 may deny, suspend, restrict, revoke, place corrective action,
38.12 fine, or institute other sanctions against a certification or
38.13 apprentice designation for any of the following reasons:

38.14 A. failure to meet the certification or
38.15 apprenticeship requirements;

38.16 B. failure to comply with applicable requirements;

38.17 C. submission of false or misleading information or
38.18 credentials in order to obtain or renew a certification or
38.19 apprentice designation;

38.20 D. incompetence, negligence, fraud, illegal activity,
38.21 conflict of interest, or inappropriate conduct in the

38.22 performance of the duties authorized under the certification or
38.23 apprenticeship; or

38.24 E. failure to comply with applicable soil dispute
38.25 resolution requirements.

38.26 Subp. 3. Complaints.

38.27 A. Upon receiving a signed written complaint that
39.1 alleges the existence of grounds for enforcement action against
39.2 a licensed SSTS business or a certified or apprenticed
39.3 individual under subpart 1 or 2, the commissioner shall initiate
39.4 an investigation.

39.5 B. The complaint must contain the name, address, and
39.6 telephone number of the complainant; the name of the alleged
39.7 violators; the alleged violations, dates, and locations; and any
39.8 other pertinent information to demonstrate the validity of the
39.9 complaint.

39.10 C. The commissioner shall evaluate the results of the
39.11 investigation and determine whether enforcement actions are
39.12 necessary. The commissioner may convene and enlist expert
39.13 advice from a technical advisory committee.

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

39.18 Subp. 4. Enforcement action. If the commissioner finds
39.19 that enforcement action is necessary, the actions described in
39.20 items A to C must be taken.

39.21 A. A written notice must be sent by certified mail to
39.22 the licensee, certified individual, or apprentice. The written
39.23 notice must contain, as applicable, the effective date of the
39.24 enforcement action, the nature of the violation constituting the
39.25 basis for the enforcement action, the facts that support the
39.26 conclusion that a violation has occurred, specific actions
39.27 necessary to fulfill the terms of the notice, and a statement
40.1 that a licensee, certified individual, or apprentice who desires
40.2 a contested case hearing must, within ten calendar days,
40.3 exclusive of the day of service, file a written request with the
40.4 commissioner.

40.5 B. If a hearing is requested, the enforcement action
40.6 is stayed pending the outcome of the hearing. If the licensee,
40.7 certified individual, or apprentice does not request a hearing,
40.8 the business or individual forfeits any opportunity for a
40.9 hearing.

40.10 C. A licensee, certified individual, or apprentice
40.11 whose license, certification, or apprenticeship has been revoked
40.12 is not entitled to apply for a license, certification, or
40.13 apprenticeship for one year following the effective date of
40.14 revocation or for any longer period of time specified in the
40.15 revocation notice. A licensee, certified individual, or
40.16 apprentice with a revoked or suspended license, certification,
40.17 or apprenticeship shall return the license, certification, or
40.18 apprentice identification card to the commissioner.

40.19 Subp. 5. Enforcement; general. General agency enforcement
40.20 authority under Minnesota Statutes, sections 115.03, 115.071,
40.21 115.072, 115.56, 116.072, and 116.073, is also available for

40.22 enforcement actions under this part.
40.23 Subp. 6. Nonlicensed violations. The commissioner may
40.24 fine, or impose other sanctions, for those implying or
40.25 advertising to be a certified individual, apprentice, or
40.26 licensed business or conducting SSTS activities without the
40.27 required certification, apprenticeship, or license.
41.1 7083.2030 MINNESOTA POLLUTION CONTROL AGENCY SURETY BOND FORM.
41.2 Bond No. _____

41.4 MINNESOTA POLLUTION CONTROL AGENCY
41.5 SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)
41.6 SURETY BOND
41.7 KNOW ALL PERSONS BY THESE PRESENTS:
41.8 THAT _____
41.9 (Name of Licensee)

41.11 doing business as _____ at
41.13 _____, Minnesota, as Principal, and
41.14 (Address)

41.16 _____, a corporation authorized
41.17 (Name of Surety)

41.19 to do surety business in the State of Minnesota, as Surety, are
41.20 hereby held and firmly bound to the Commissioner of the
41.21 Minnesota Pollution Control Agency-State of Minnesota and any
41.22 persons aggrieved by reason of the Principal's failure to
41.23 faithfully perform the duties, and in all things comply with all
41.24 laws, ordinances, and rules, pertaining to the Principal's
41.25 license or any permit applied for and all contracts entered
41.26 into, in the sum of ____ THOUSAND DOLLARS (\$_____). For the
41.27 payment of this sum, Principal and Surety bind themselves, their
41.28 heirs, representatives, successors and assigns, jointly and
41.29 firmly by these presents.
41.30 THE CONDITION of the above obligation is such, that WHEREAS
41.31 the said Principal is making application with the Minnesota
41.32 Pollution Control Agency to be licensed as, or has been licensed
41.33 as, a subsurface sewage treatment system business:
42.1 _____
42.2 (specific licenses).
42.3 NOW THEREFORE, if said Principal shall faithfully and
42.4 lawfully perform the duties, and in all things comply with the
42.5 laws and ordinances, including all amendments thereto,
42.6 appertaining to the license or permit applied for, then this
42.7 obligation shall be void; otherwise to remain in full force and
42.8 effect.
42.9 The aggregate liability of the Surety, regardless of the
42.10 number of claims made against the bond or the number of years
42.11 the bond remains in force, shall in no event exceed the amount
42.12 set forth above. Any revision of the bond amount shall not be
42.13 cumulative. This bond may be canceled by the Surety as to
42.14 future liability by giving written notice to the Minnesota
42.15 Pollution Control Agency, stating the date of cancellation,

42.16 which in no event shall be less than thirty (30) days after the
42.17 mailing of said notice; however, the Surety shall remain liable
42.18 for any and all acts of the Principal covered by this bond up to
42.19 the date of cancellation.

42.20 PROVIDED, it is the intention of the parties that this bond
42.21 be continuous. This bond may be canceled at any time upon
42.22 giving the said Principal and the Minnesota Pollution Control
42.23 Agency 30 days written notice, said notice to be served by
42.24 certified mail, whereupon, except as to any liabilities or
42.25 indebtedness incurred prior to the termination of this said 30
42.26 days notice, the liability of the Surety under this bond shall
42.27 cease. The Surety shall notify the Principal and the Minnesota
43.1 Pollution Control Agency if payment on the bond has been made
43.2 which results in the value of the bond falling below the legal
43.3 requirement.

43.4 By their signatures below, the parties certify that the
43.5 wording of this surety bond is identical to the wording
43.6 specified in Minnesota Rules, part 7083.2030, as the rules were
43.7 constituted on the date the parties executed the bond.

43.8 Signed this _____ day of _____, _____.

43.9 Signed, sealed and delivered in the presence of:

43.10 _____
43.11 (Witness as to Principal) (Licensee name)

43.13 _____
43.14 (Signature)

43.16 _____
43.17 (Witness as to Surety) (Name of Surety Company)

43.19 _____
43.20 By (Attorney-in-Fact)

43.22 INDIVIDUAL OR PARTNERSHIP ACKNOWLEDGMENT

43.23 STATE OF _____)

43.24 COUNTY OF _____)

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

43.33 _____

43.35 Notary Public, _____

43.37 County, _____

43.39 My Commission Expires _____

43.41 (Notarial Seal)

43.43

CORPORATE ACKNOWLEDGMENT

44.1 STATE OF _____)

44.2 COUNTY OF _____)

44.4 On the _____ day of _____, 20 _____,

44.5 before me personally appeared, _____

44.6 to me, who being duly sworn, did depose and say: that s/he

44.7 resides in _____ the s/he is the _____

44.8 _____ President of the _____

44.9 _____ the corporation

44.10 described in and which executed the foregoing instrument; that

44.11 s/he knows the seal of said corporation; that the seal affixed

44.12 to said instrument is such corporate seal; that it was so

44.13 affixed by order of the board of directors of said corporation;

44.14 and that s/he signed her/his name thereto by like order.

44.16 _____

44.18 Notary Public, _____

44.20 County, _____

44.22 My Commission Expires _____

44.24 (Notarial Seal)

44.26 ACKNOWLEDGMENT OF CORPORATE SURETY

44.27 STATE OF _____)

44.28 COUNTY OF _____)

44.30 On the _____ day of _____, 20 _____ before me

44.31 personally appeared, _____ to me

44.32 known, who being duly sworn, did say: that s/he resides in

44.33 _____ the s/he is the aforesaid officer or

44.34 attorney in fact of _____ a

44.35 corporation; that the seal affixed to the foregoing instrument

44.36 is the corporate seal of said corporation; and that said

44.37 instrument as signed and sealed in behalf of said corporation by

44.38 the aforesaid officer, by authority of its board of directors;

44.39 and the aforesaid officer acknowledged said instrument to be the

44.40 free act and deed of said corporation.

44.42 _____

44.44 Notary Public, _____

44.46 County, _____

44.48 My Commission Expires _____

44.50 (Notarial Seal)

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

45.2 7083.2040 TRANSITIONING EXISTING REGISTRATIONS AND LICENSES.

45.3 Subpart 1. Designers. A business licensed, and an
45.4 individual registered, as a designer I or designer II on the
45.5 effective date of this chapter are reclassified as basic
45.6 designers. A business reclassified as a basic designer under
45.7 this chapter may design all types of ISTS and MSTS until three
45.8 years after the effective date of this chapter. After that
45.9 time, a business designing a Type IV or Type V ISTS or MSTS must
45.10 meet the requirements of this chapter.

45.11 Subp. 2. Inspectors. A business licensed, and an
45.12 individual registered, as a designer I or inspector on the
45.13 effective date of this chapter are reclassified as inspectors.
45.14 A business or individual reclassified as an inspector under this
45.15 chapter may inspect all types of ISTS and MSTS and administer
45.16 local programs until three years after the effective date of
45.17 this chapter. After that time, the business or government
45.18 employee inspecting a Type IV or Type V ISTS or MSTS, or
45.19 administering an SSTS regulatory program, must meet the
45.20 requirements of this chapter.

45.21 Subp. 3. Maintainers. A business licensed, and an
45.22 individual registered, as a pumper on the effective date of this
45.23 chapter is reclassified as a maintainer under this chapter.

45.24 Subp. 4. Service provider. To gain a service provider
45.25 license or certification, a business or individual must meet the
45.26 requirements of this chapter. A business or individual
45.27 providing management services before the effective date of this
46.1 chapter may operate an SSTS until three years after the
46.2 effective date of this chapter, without a service provider
46.3 license. Three years after the effective date of this chapter,
46.4 businesses and individuals providing SSTS management services
46.5 must meet the requirements of this chapter.

46.6 Subp. 5. Basic and continuing education. Designer I's or
46.7 designer II's on the effective date of this chapter who take
46.8 training to upgrade to an advanced designer or MSTS designer
46.9 within three years after the effective date of this chapter may
46.10 have their training hours credited as fulfilling the continuing
46.11 education hours specified in part 7083.1060. Designer I's or
46.12 inspectors on the effective date of this chapter who take
46.13 training to upgrade to an MSTS inspector within three years
46.14 after the effective date of this chapter may have their training
46.15 hours credited as fulfilling the continuing education hours
46.16 specified in part 7083.1060.