

1.1 Pollution Control Agency  
1.2 Adopted Permanent Rules Relating to Individual Sewage Treatment  
1.3 Systems  
1.4 CHAPTER 7082  
1.5 POLLUTION CONTROL AGENCY  
1.6 REQUIREMENTS FOR LOCAL ISTS PROGRAMS  
1.7 7082.0010 PURPOSE AND INTENT.  
1.8 Subpart 1. **Effect.** The proper location, design,  
1.9 installation, use, and maintenance of subsurface sewage  
1.10 treatment systems (SSTS) protects the public health, safety, and  
1.11 general welfare by the discharge of adequately treated sewage to  
1.12 groundwater.  
1.13 Subp. 2. **Authority.** In accordance with the authority  
1.14 granted in Minnesota Statutes, chapters 103F, 103G, 115, and  
1.15 116, the Pollution Control Agency provides the minimum standards  
1.16 for local SSTS ordinances and administrative programs. The  
1.17 agency offers these standards to reasonably ensure proper  
1.18 permitting, inspection, and operation of SSTS.  
1.19 Subp. 3. **Local ordinances; construction.** Local ordinances  
1.20 referencing individual sewage treatment rules issued by the  
1.21 agency shall be construed to mean rules governing both  
1.22 individual subsurface sewage treatment systems and mid-sized  
1.23 subsurface sewage treatment systems, as defined in parts  
1.24 7080.1100, subpart ~~45~~ 41, and 7081.0020, subpart 4, as published  
1.25 in the State Register, volume 31, page 1027, and as subsequently  
1.26 adopted.  
2.1 7082.0020 DEFINITIONS.  
2.2 Subpart 1. **Certain terms.** In addition to the definitions  
2.3 in chapters 7080, 7081, and 7083, as published in the State  
2.4 Register, volume 31, pages 1025, 1064, and 1088, and as  
2.5 subsequently adopted, and Minnesota Statutes, section 115.55,  
2.6 which are incorporated by reference, the terms used in this  
2.7 chapter have the meanings given them. For purposes of these  
2.8 standards, certain terms or words are interpreted as follows:  
2.9 the words "shall" and "must" are mandatory and the word "may" is  
2.10 permissive.  
2.11 Subp. 2. **Permittee.** "Permittee" means a person who is  
2.12 named on a permit issued pursuant to local ordinance.  
2.13 7082.0040 REGULATORY ADMINISTRATION RESPONSIBILITY.  
2.14 Subpart 1. **Agency responsibilities.** The agency is  
2.15 responsible for providing the framework for local SSTS  
2.16 ordinances along with providing minimum administrative  
2.17 procedures or strategies to ensure effective permitting and  
2.18 inspection of SSTS. The agency is also responsible for  
2.19 reviewing local ordinances to ensure adequate protection of  
2.20 public health and the environment and that local administration  
2.21 is sufficient to ensure compliance.  
2.22 Subp. 2. **County responsibilities.**  
2.23 A. All counties must adopt and ~~effectively enforce~~  
2.24 implement SSTS ordinances in compliance with chapters 7080 and  
2.25 7081, as published in the State Register, volume 31, pages 1025  
2.26 and 1064, and as subsequently adopted, that also comply with  
2.27 this chapter. Ordinances must apply to all land area within the

3.1 county, except in towns and cities that have adopted ordinances  
3.2 that ~~comply~~ are in conformance with the county ordinance and  
3.3 this chapter.

3.4 ~~B.~~ All counties with SSTS ordinances must~~+~~

3.5 ~~(1)~~ permit and inspect SSTS within cities and  
3.6 townships that do not administer an ~~effective~~ SSTS ordinance~~+~~  
3.7 ~~and~~

3.8 ~~(2) determine if city and township ordinances are~~  
3.9 ~~technically and administratively as strict as the county~~  
3.10 ~~ordinance that complies with these rules.~~

3.11 B. Counties must send written invitations to all  
3.12 cities and townships within the county soliciting their input  
3.13 and involvement with the county-coordinated process of  
3.14 establishing countywide SSTS ordinance standards.

3.15 Subp. 3. **City and township responsibilities.** Cities and  
3.16 townships with SSTS ordinances must effectively administer and  
3.17 enforce an ordinance that conforms with ~~the county's regulatory~~  
3.18 ~~strategy~~ this chapter and is administratively and technically as  
3.19 strict as the county ordinance, as determined by the ~~county~~  
3.20 ~~agency.~~ Before Cities or and townships can adopt an SSTS  
3.21 ~~ordinance, the county must be consulted and concur with the~~  
3.22 ~~ordinance~~ are authorized to adopt conventional programs as  
3.23 described in part 7082.0050, subpart 3, even if the county has  
3.24 adopted a performance program.

3.25 Subp. 4. **Required fiscal and physical capacity for local**  
3.26 **programs.** All local governments that administer SSTS programs  
3.27 must have:

4.1 A. adequate personnel to properly conduct SSTS  
4.2 technical and administrative functions. All local governments  
4.3 that administer SSTS programs must have:

4.4 (1) at least one certified inspector as described  
4.5 in part 7083.1010, subpart 2, as published in the State  
4.6 Register, volume 31, page 1094, and as subsequently adopted, who  
4.7 is employed by the local unit of government or a contracted  
4.8 licensed SSTS inspection business. ~~The person may also be~~  
4.9 ~~contracted for services by~~ Multiple local units of  
4.10 government are allowed to contract for services with the same  
4.11 certified inspector; and

4.12 (2) at least one person who is employed by the  
4.13 local unit of government who has received accredited training on  
4.14 administration of local SSTS programs; and

4.15 B. an enforceable ordinance that meets the  
4.16 requirements of this chapter; ~~and~~

4.17 ~~C. budget and staff appropriate to administer the~~  
4.18 ~~provisions of the ordinance.~~

4.19 Subp. 5. **Reporting requirements for all local programs.**

4.20 Local units of government that administer SSTS programs must  
4.21 provide an annual report to the commissioner. The report must  
4.22 be submitted to the commissioner no later than February 1 for  
4.23 the previous calendar year. The reports must include:

4.24 A. a copy of the standard construction permit,  
4.25 operating permit, and inspection forms, if different from  
4.26 previous year's;

4.27 B. the name and address of the program administrator,

5.1 all qualified employees, and contracted licensed businesses  
5.2 authorized to perform services on behalf of the local unit of  
5.3 government;

5.4 C. the number of permits issued in the reporting year  
5.5 in the following categories:

5.6	<del>0-2,499</del>	<del>2,500-9,999</del>	<del>Other</del>
5.7	<del>gallons</del>	<del>gallons</del>	<del>establishments*</del>
5.8	<del>per day</del>	<del>per day</del>	

  

5.10	<del>New construction</del>	<del>....</del>	<del>....</del>	<del>....</del>
5.12	<del>Replacement systems</del>	<del>....</del>	<del>....</del>	<del>....</del>
5.14	<del>Type I</del>	<del>....</del>	<del>....</del>	<del>....</del>
5.16	<del>Type II</del>	<del>....</del>	<del>....</del>	<del>....</del>
5.18	<del>Type III</del>	<del>....</del>	<del>....</del>	<del>....</del>
5.20	<del>Type IV</del>	<del>....</del>	<del>....</del>	<del>....</del>
5.22	<del>Type V</del>	<del>....</del>	<del>....</del>	<del>....</del>

5.24 ~~\*Other establishments should not also be counted in the~~  
5.25 ~~appropriate flow category;~~

5.26 Total SSTS by flow permitted in year:

5.27	<u>1-2,499</u>	<u>2,500-4,999</u>	<u>5,000-10,000</u>
5.28	<u>gallons</u>	<u>gallons</u>	<u>gallons</u>
5.29	<u>per day</u>	<u>per day</u>	<u>per day</u>

5.31 New SSTS construction

5.33 Replacement SSTS

5.35 Total SSTS by type permitted in year:

5.36	<u>Residential</u>	<u>Other establishments</u>
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5.38 Type I

5.40 Type II

5.42 Type III

5.44 Type IV

6.1 Type V

6.3 D. ~~the percent of new and replacement systems field~~  
6.4 ~~inspected;~~

6.5 ~~E.~~ the total number of systems serving full-time  
6.6 residences and seasonal residences, the total number of cluster  
6.7 systems, and the total number of other establishments in the  
6.8 jurisdiction;

6.9 ~~F.~~ E. the estimated percentage of existing SSTS in

6.10 compliance within the local government's jurisdictional  
6.11 boundaries and how the estimate was developed;  
6.12 ~~G. the number of variances issued from the local SSTS~~  
6.13 ~~ordinance by type;~~  
6.14 ~~H. F.~~ the number of septic system tanks installed by  
6.15 each licensed installation business or homeowner;  
6.16 ~~I. G.~~ the number of systems regulated under an  
6.17 operating permit ~~or enforceable maintenance provisions;~~  
6.18 ~~J. H.~~ for counties, the names of cities and townships  
6.19 that have local ordinances within the county; and  
6.20 ~~K. I.~~ a narrative description of problem areas in  
6.21 local SSTS administration.

6.22 7082.0050 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

6.23 Subpart 1. **Adoption of local ordinances.**

6.24 A. The regulation of SSTS by local governments must  
6.25 be implemented through an ordinance based on the requirements of  
6.26 this chapter, except that counties ~~may~~ are allowed to choose  
6.27 between options described in subpart 3 or 4 and ~~may also~~ are  
6.28 allowed to adopt alternative local standards according to  
7.1 subpart 5. Cities and towns must adopt the regulatory option  
7.2 used by the county and must be as strict as the county  
7.3 ordinance. Cities and townships are authorized to adopt  
7.4 conventional programs as described in subpart 3 even if the  
7.5 county has adopted a performance program.

7.6 B. County ordinances that administer SSTS programs  
7.7 must be updated to the standards of chapters 7080 to 7083, as  
7.8 published in the State Register, volume 31, pages 1025 and 1088,  
7.9 and as subsequently adopted, within ~~12~~ 24 months of the  
7.10 effective date of those chapters. City and township ordinances  
7.11 must be updated no more than 12 months after adoption of the  
7.12 county ordinance in which the city or township is located and  
7.13 must comply with the standards of chapters 7080 to 7083, as  
7.14 published in the State Register, volume 31, pages 1025 and 1088,  
7.15 and as subsequently adopted, and must be as strict as the  
7.16 applicable county ordinance.

7.17 Subp. 2. **Review by agency.**

7.18 A. A copy of all local ordinances regulating SSTS and  
7.19 all future ordinances or amendments must be submitted to the  
7.20 commissioner ~~within~~ 30 days after prior to adoption, accompanied  
7.21 by a completed ordinance review checklist on a form provided by  
7.22 the commissioner.

7.23 B. Local ordinances and programs must be reviewed by  
7.24 the commissioner for compliance with this chapter and to ensure  
7.25 that, based on local circumstances in that jurisdiction, the  
7.26 ordinance adequately protects public health and the  
7.27 environment. The commissioner must complete the ordinance  
8.1 review within six months of receipt. A local unit of government  
8.2 is authorized to implement ordinances ~~may be implemented without~~  
8.3 ~~prejudice~~ during the review process. The commissioner must  
8.4 supply comments on the ordinance to the local unit of government  
8.5 when the review is complete.

8.6 ~~C. Local ordinances that do not meet the requirements~~  
8.7 ~~of this chapter, chapters 7080 and 7081, as published in the~~  
8.8 ~~State Register, volume 31, pages 1025 and 1064, and as~~

8.9 ~~subsequently adopted, and Minnesota Statutes, section 115.55,~~  
8.10 ~~may be subject to administrative actions.~~

8.11 Subp. 3. **Conventional programs.** Each SSTS ordinance must  
8.12 have technical standards. Conventional programs  
8.13 are comprehensive programs that employ ISTS and MSTS technical  
8.14 standards and criteria as specified in chapters 7080 and 7081,  
8.15 as published in the State Register, volume 31, pages 1025 and  
8.16 1064, and as subsequently adopted, and program administrative  
8.17 functions in parts 7082.0100, subparts 1, 2, 3, and 5, and  
8.18 7082.0300 to 7082.0700.

8.19 Subp. 4. **Performance programs.** A county ~~may~~ is authorized  
8.20 to further choose to develop and implement a comprehensive,  
8.21 performance-based program using ISTS and MSTS designs tailored  
8.22 to adequately protect the public health and the environment  
8.23 based on local environmental sensitivity. Performance programs  
8.24 must meet the requirements of the conventional program plus  
8.25 include provisions necessary to implement part 7082.0100,  
8.26 subpart 4.

8.27 Subp. 5. **Requirements for alternative local standards.**

9.1 Counties ~~may~~ are authorized to adopt and enforce by ordinance  
9.2 alternative local standards for existing or new construction or  
9.3 replacement of SSTS as part of a conventional program. The  
9.4 alternative local standards must protect public health and the  
9.5 environment as stipulated in Minnesota Statutes, section 115.55,  
9.6 subdivision 7, paragraphs (a) and (b), and must comply with  
9.7 items A to F.

9.8 A. Alternative local standards must not apply to ~~SWF~~  
9.9 systems in shoreland areas or wellhead protection areas or  
9.10 systems serving food, beverage, or lodging establishments.

9.11 B. Alternative local standards must comply with  
9.12 requirements of other applicable state laws or rules or local  
9.13 ordinances.

9.14 C. Local SSTS ordinances with alternative local  
9.15 standards for existing systems must include a time period to  
9.16 upgrade, replace, or discontinue use of a noncomplying system.  
9.17 The draft local ordinance, including the alternative local  
9.18 standards, must be submitted to the commissioner for comment  
9.19 before adoption to demonstrate that, based on local  
9.20 circumstances in that jurisdiction, the alternative local  
9.21 standards adequately protect public health and the environment.  
9.22 Possible considerations for justification ~~for~~ of the alternative  
9.23 local standard for existing systems ~~may~~ include:

9.24 (1) soil separation;  
9.25 (2) soil classification;  
9.26 (3) vegetation;  
9.27 (4) system use;

10.1 (5) localized well placement and construction;

10.2 (6) localized density of systems and wells;

10.3 (7) extent of area to be covered by the

10.4 alternative local standard;

10.5 (8) groundwater flow patterns; and

10.6 (9) existing natural or artificial drainage

10.7 systems.

10.8 D. In accordance with Minnesota Statutes, section

10.9 115.55, subdivision 7, paragraph (b), counties ~~may~~ are  
10.10 authorized to adopt alternative local standards that are less  
10.11 restrictive than the agency's rules for new construction or  
10.12 replacement in areas of sustained and projected low population  
10.13 density where conditions render conformance to this chapter  
10.14 difficult or otherwise inappropriate. ~~Counties seeking to adopt~~  
10.15 ~~alternative local standards for new construction or replacement~~  
10.16 ~~must submit the following information to the commissioner~~ after  
10.17 submitting documentation of the following information and  
10.18 conditions to the commissioner:

10.19 (1) population density of the area covered by the  
10.20 alternative local standard;

10.21 (2) reasons why conformance to this chapter is  
10.22 difficult or otherwise inappropriate;

10.23 (3) a description of the hardship that would  
10.24 result from strict adherence to ~~this chapter~~ the agency's rules;

10.25 (4) evidence of sustained and projected low  
10.26 population density;

10.27 (5) evidence that the proposed alternative local  
11.1 standard provides cost-effective and long-term treatment  
11.2 alternatives;

11.3 (6) a map delineating the area of the county to  
11.4 be served by the local standard; and

11.5 (7) applicable justifications under item C.

11.6 E. ~~All new systems installed under alternative local~~  
11.7 ~~standards must have operating permits issued by the county that~~  
11.8 ~~adopted the alternative local standards.~~

11.9 F. If the draft county SSTS ordinance includes  
11.10 alternative local standards for new construction and  
11.11 replacement, the ordinance must be submitted to the local water  
11.12 planning advisory committee created under Minnesota Statutes,  
11.13 section 103B.321, subdivision 3, and then submitted with  
11.14 justification to the commissioner at least 30 days before  
11.15 adoption for review and comment demonstrating that the ordinance  
11.16 adequately protects public health and the environment.

11.17 7082.0100 REQUIREMENTS FOR LOCAL ORDINANCES.

11.18 Subpart 1. **Requirement.** All SSTS ordinances must contain  
11.19 the provisions in items A to D.

11.20 A. A provision requiring the upgrade, replacement,  
11.21 repair, or discontinued use of a system failing to protect  
11.22 groundwater as described in part 7080.1500, subpart 4, item B,  
11.23 as published in the State Register, volume 31, page 1031, and as  
11.24 subsequently adopted, within a specified time period after the  
11.25 owner receives a notice of noncompliance.

11.26 B. A provision requiring the upgrade, replacement,  
11.27 repair, or discontinued use of a system that represents an  
12.1 imminent threat to public health or safety as described in part  
12.2 7080.1500, subpart 4, item A, as published in the State  
12.3 Register, volume 31, page 1031, and as subsequently adopted,  
12.4 within ten months after the owner receives a notice of  
12.5 noncompliance or within a shorter period if required by an  
12.6 applicable local ordinance.

12.7 C. A provision requiring that the owner has five  
12.8 years from the date of the bedroom addition permit issuance to

12.9 upgrade, replace, repair, or discontinue use of the system.

12.10 This upgrade criterion applies only if:

12.11 (1) the local unit of government issues a permit

12.12 to add a bedroom;

12.13 (2) the system inspection is triggered by a

12.14 bedroom addition permit request;

12.15 (3) the system was installed between May 27,

12.16 1989, and January 3, 1996;

12.17 (4) the system does not comply with part

12.18 7080.1500, subpart 4, as published in the State Register, volume

12.19 31, page 1031, and as subsequently adopted; and

12.20 (5) the system is not an imminent threat to

12.21 public health or safety as described in part 7080.1500, subpart

12.22 4, item A, as published in the State Register, volume 31, page

12.23 1031, and as subsequently adopted.

12.24 D. Local ordinance requirements regulating vertical

12.25 separation for systems built before April 1, 1996, in

12.26 ~~non-SWF systems that are not SWF as defined in part 7080.1100,~~

12.27 ~~subpart 84, as published in the State Register, volume ..., page~~

13.1 ~~...., must meet the requirements in part 7080.1500, subpart 4,~~

13.2 ~~item E, as published in the State Register, volume 31, page~~

13.3 ~~1031, and as subsequently adopted.~~

13.4 Subp. 2. **List of differences.** A local unit of government

13.5 must prepare and make available to the commissioner, and to the

13.6 public upon request, a written list of all technical and

13.7 administrative differences between its ordinance and chapters

13.8 7080 and 7081, as published in the State Register, volume 31,

13.9 pages 1025 and 1064, and as subsequently adopted.

13.10 Subp. 3. **Additional ordinance requirements for all**

13.11 **programs.**

13.12 ~~A.~~ Ordinances adopted by a local unit of government under

13.13 part 7082.0050 must contain the provisions in ~~subitems (1) to~~

13.14 ~~(18) items A to R.~~

13.15 ~~(1) A.~~ A provision that requires all design,

13.16 installation, alteration, repair, maintenance, operation,

13.17 pumping, and inspection activities for SSTS to be completed by

13.18 an appropriately licensed business, an appropriately certified

13.19 qualified employee, or a person exempted under part 7083.0700,

13.20 subpart 1, as published in the State Register, volume 31, page

13.21 1089, and as subsequently adopted. A local unit of government

13.22 ~~may is not authorized to~~ require additional local licenses,

13.23 local registrations, local certificates, or other similar

13.24 professional credentials to perform SSTS work. ~~The ordinance~~

13.25 ~~may require other state issued licenses or certificates of~~

13.26 ~~registration.~~

13.27 ~~(2) B.~~ A provision that requires abandonment of SSTS,

14.1 or part thereof, that will no longer be used, according to part

14.2 7080.2500, as published in the State Register, volume 31, page

14.3 1062, and as subsequently adopted.

14.4 ~~(3) C.~~ Technical standards and criteria for new and

14.5 existing SSTS that adequately protect the public health and

14.6 environment, as determined by parts 7080.1500, 7080.2150,

14.7 subpart 2, and 7081.0080, as published in the State Register,

14.8 volume 31, pages 1031, 1051, and 1066, and as subsequently

14.9 adopted. The ~~ordinance may~~ local unit of government is  
14.10 authorized to specifically adopt technical standards in parts  
14.11 7080.1710 to 7080.2400 and 7081.0110 to 7081.0290, as published  
14.12 in the State Register, volume 31, pages 1040 to 1061 and 1067 to  
14.13 1078, and as subsequently adopted.

14.14 ~~(4)~~ D. Whether variances to local ordinance  
14.15 provisions are allowed and, if so, the specific variance  
14.16 procedures required to obtain a variance from local ordinance  
14.17 requirements.

14.18 ~~(5)~~ E. Provisions for design review, permit issuance,  
14.19 construction inspection, and system ~~operation management~~.  
14.20 ~~(6)~~ F. A provision that requires that all lots  
14.21 created after January 23, 1996, have a minimum of two soil  
14.22 treatment and dispersal areas that support systems as described  
14.23 in parts 7080.2200 to 7080.2230, as published in the State  
14.24 Register, volume 31, pages 1054 to 1057, and as subsequently  
14.25 adopted, or site conditions described in part 7081.0270, ~~subpart~~  
14.26 ~~4~~ subparts 3 to 7, as published in the State Register, volume  
14.27 31, page 1077, and as subsequently adopted, as applicable.

15.1 ~~(7)~~ G. A provision that specifies the conditions  
15.2 necessary to allow the use of holding tanks. The ordinance must  
15.3 specify holding tank operation and maintenance requirements. At  
15.4 a minimum, a monitoring and disposal contract signed by the  
15.5 owner and a licensed maintenance business is required unless the  
15.6 owner is a farmer exempt from licensing under Minnesota  
15.7 Statutes, section 115.56, subdivision 2, paragraph (b), clause  
15.8 (3). The homeowner is responsible for ensuring that the  
15.9 contract guarantees the removal of the tank contents before  
15.10 overflow or any discharge.

15.11 ~~(8)~~ H. A provision that prohibits surface discharge  
15.12 of sewage from SSTS unless issued a national pollution discharge  
15.13 elimination system permit by the agency.

15.14 ~~(9)~~ I. A provision specifying the allowable use and  
15.15 location of SSTS in floodplains in compliance with applicable  
15.16 state and local requirements.

15.17 ~~(10)~~ J. A provision requiring that a management plan  
15.18 be developed, reviewed, and approved before issuance of a  
15.19 construction permit for all new or replacement ISTS as described  
15.20 in part 7080.1100, ~~subpart 52~~ subparts 51 and 66, as published  
15.21 in the State Register, volume 31, page 1028, and as subsequently  
15.22 adopted.

15.23 ~~(11)~~ K. A provision requiring operating permits for  
15.24 all systems installed under parts 7080.2290, 7080.2350, and  
15.25 7080.2400, and chapter 7081, as published in the State Register,  
15.26 volume 31, pages 1058, 1059, 1061, and 1064, and as subsequently  
15.27 adopted.

16.1 ~~(12)~~ L. For systems not operated under a management  
16.2 plan, a provision requiring solids removal from septic tanks or  
16.3 determination of the need to remove solids from septic tanks no  
16.4 less than every three years. The ordinance must require removal  
16.5 of solids if the solids accumulation needs to be removed based  
16.6 on part 7080.2450, as published in the State Register, volume  
16.7 31, page 1061, and as subsequently adopted.

16.8 ~~(13)~~ M. A provision requiring that all owners of new

16.9 or replacement Class V injection wells, as defined in Code of  
16.10 Federal Regulations, title 40, part 144, submit inventory  
16.11 information to the Environmental Protection Agency and the  
16.12 agency and that all Class V wells be identified as such in  
16.13 property transfer disclosures.

16.14 ~~(14) N.~~ A provision outlining how conflicting  
16.15 inspections and other technical disputes between SSTS certified  
16.16 individuals will be resolved if they occur as described in part  
16.17 7082.0700, subpart 5.

16.18 ~~(15) O.~~ A provision specifying what level of local  
16.19 approval is needed for repair, rejuvenation, or remediation of  
16.20 SSTS, as defined in local ordinance.

16.21 ~~(16) P.~~ A provision ~~allowing or disallowing the use~~  
16.22 ~~of soil texture and structure in Table IX in specifying the~~  
16.23 allowed methods to determine the loading rate from part  
16.24 7080.2150, subpart 3, item F E, Tables IX or IXa, as published  
16.25 in the State Register, volume 31, page 1052, and volume . . . ,  
16.26 page . . . . , and as subsequently adopted, for sizing of soil  
16.27 treatment and dispersal systems.

17.1 ~~(17) A determination of whether, or where, additional~~  
17.2 ~~nitrogen, phosphorus, or other contaminants compliance levels~~  
17.3 ~~will apply.~~

17.4 ~~(18) Q.~~ A provision that requires all sewage  
17.5 generated in the jurisdiction to be treated either in an  
17.6 agency-permitted facility or a system that meets the  
17.7 requirements of an ordinance adopted under this chapter.

17.8 ~~B. Ordinances adopted by a local unit of government~~  
17.9 ~~under part 7082.0040, subpart 2 or 3, may contain the provisions~~  
17.10 ~~in subitems (1) to (5).~~

17.11 ~~(1) A provision allowing or disallowing the use~~  
17.12 ~~of the system types as described in parts 7080.2210 to~~  
17.13 ~~7080.2400, as published in the State Register, volume 31, pages~~  
17.14 ~~1054 to 1057, and as subsequently adopted.~~

17.15 ~~(2) A provision on the use, prohibition, or~~  
17.16 ~~restriction of warrantied technologies as established in~~  
17.17 ~~Minnesota Statutes, section 115.55.~~

17.18 ~~(3) A provision to regulate the disposal of~~  
17.19 ~~septage according to federal requirements and appropriate state~~  
17.20 ~~guidelines.~~

17.21 ~~(4) Provisions that protect the secondary soil~~  
17.22 ~~treatment and dispersal area for future SSTS use.~~

17.23 ~~(5) In addition to the provision in item A,~~  
17.24 ~~subitem (6), a provision to require enough land area to support~~  
17.25 ~~the proposed improvements, plus the area needed for the two soil~~  
17.26 ~~treatment areas. The ordinance may also contain a provision on~~  
17.27 ~~the action needed in the event that the lot was created~~  
18.1 ~~according to item A, subitem (6), but the lot's soil treatment~~  
18.2 ~~and dispersal area was subsequently damaged or disturbed.~~

18.3 R. If the ordinance allows a reduced vertical  
18.4 separation distance as described in part 7080.1500, subpart 4,  
18.5 item D, as published in the State Register, volume 31, page  
18.6 1031, and as subsequently adopted, it must not allow more than a  
18.7 15 percent reduction in the vertical separation distance to  
18.8 account for settling of sand or soil, normal variation of

18.9 measurements, and interpretations of the limiting layer  
18.10 conditions.

18.11 Subp. 4. **Ordinance requirements for performance programs.**

18.12 Performance programs are broader in scope than conventional  
18.13 programs and go beyond the minimum technical requirements of  
18.14 this chapter. Performance programs must meet the requirements  
18.15 of subpart 3 and items A to J.

18.16 A. An education program must be established to  
18.17 educate owners on the purpose, use, and care of SSTS and notify  
18.18 owners of impending scheduled submittals of compliance  
18.19 monitoring reports.

18.20 B. A program must be established to evaluate  
18.21 potential risks of SSTS-receiving environments, inform the local  
18.22 planning authority of changes in regulations, and evaluate the  
18.23 potential impacts of SSTS regulation changes on land use.

18.24 C. A program must be established to determine  
18.25 performance requirements necessary to protect public health and  
18.26 water resources for each defined receiving environment in the  
18.27 regulatory jurisdiction. At a minimum, the performance  
19.1 requirements must protect underground sources of drinking water  
19.2 according to chapter 4717 and protect surface waters according  
19.3 to chapter 7050.

19.4 D. The ordinance must establish site evaluation  
19.5 requirements that define the process to characterize the  
19.6 receiving environment.

19.7 E. A program must be established to administer  
19.8 renewable operating permits issued to system owners, stipulating  
19.9 system performance and compliance monitoring requirements  
19.10 renewable upon documentation of compliance with operating permit  
19.11 stipulations. The program must provide for tracking and  
19.12 reviewing compliance monitoring reports for timely submittal by  
19.13 owners and ensuring the system is operating within its  
19.14 performance requirements stipulated in the operating permit.

19.15 F. A program must be established to track residuals  
19.16 hauling, treatment, and disposal according to Code of Federal  
19.17 Regulations, title 40, part 503, and Use and Disposal of Sewage  
19.18 Sludge, Code of Federal Regulations, title 40, part 257, and  
19.19 applicable state, tribal, and local requirements.

19.20 G. A program must be established for notifying owners  
19.21 of pending scheduled submittals of compliance monitoring reports  
19.22 and performing system inspections randomly or at the time of  
19.23 operating permit renewal.

19.24 H. An enforcement program must be established that  
19.25 includes penalties for failure to comply with the compliance  
19.26 schedule and requires system assessments by a certified  
19.27 inspector at the time of operating permit renewal.

20.1 I. A record-keeping program must be established that  
20.2 includes a database inventory of all systems, including  
20.3 locations, site evaluations, record drawings, permits, and  
20.4 inspection reports, tracking for operating permits, and  
20.5 compliance reporting.

20.6 J. A financial assistance and funding program must be  
20.7 established providing the legal and financial support to sustain  
20.8 the management program.

20.9 Subp. 5. **More restrictive.** Technical or administrative  
20.10 requirements in local ordinances ~~may~~ are allowed to be more  
20.11 restrictive than this chapter.

20.12 7082.0300 LOCAL PROGRAM ADMINISTRATION.

20.13 Subpart 1. **Variance from requirements of this chapter.**

20.14 A. A local unit of government ~~may~~ is authorized to  
20.15 request a variance from the commissioner from the standards in  
20.16 this chapter or request a variance to the public health or  
20.17 environmental protection standards in parts 7080.2150, subpart  
20.18 2, and 7081.0080, subparts 2 to 5, as published in the State  
20.19 Register, volume 31, pages 1051 and 1066, and as subsequently  
20.20 adopted.

20.21 B. Before granting a requested variance, the  
20.22 commissioner must find that by reason of exceptional  
20.23 circumstances, the strict enforcement or strict conformity with  
20.24 this chapter or public health or environmental standards would  
20.25 be unreasonable, impractical, or not feasible under the  
20.26 circumstances. The commissioner may permit a variance under  
20.27 part 7000.7000 in harmony with the general purpose of this  
21.1 chapter and chapters 7080 and 7081, as published in the State  
21.2 Register, volume 31, pages 1025 and 1064, and as subsequently  
21.3 adopted, and the intent of applicable state laws. The variance  
21.4 request must contain, as applicable:

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

21.7 (2) the reasons why compliance with the rule is  
21.8 difficult or inappropriate;

21.9 (3) a description of the hardship that prevents  
21.10 compliance with the rule;

21.11 (4) the alternative measures that will be taken  
21.12 to ensure a comparable degree of compliance with the intention  
21.13 of the applicable chapter;

21.14 (5) the length of time for which the variance is  
21.15 requested;

21.16 (6) cost considerations; and

21.17 (7) other relevant information requested by the  
21.18 commissioner as necessary to properly evaluate the variance  
21.19 request.

21.20 C. Variances must be submitted to and approved by the  
21.21 commissioner prior to implementation.

21.22 Subp. 2. **Prohibited variation.**

21.23 A. Local ordinances or locally issued variances ~~may~~  
21.24 must not deviate from flow determinations under part 7081.0110,  
21.25 as published in the State Register, volume 31, page 1067, and as  
21.26 subsequently adopted, if the deviation reduces the average daily  
21.27 flow from more than 10,000 gallons to 10,000 gallons per day or  
22.1 less without approval of the commissioner.

22.2 B. Programs adopted under part 7082.0100, subpart 3,  
22.3 must not issue variances from provisions in part 7080.2150,  
22.4 subpart 2, or 7081.0080, subparts 2 to 5, as published in the  
22.5 State Register, volume 31, pages 1051 and 1066, and as  
22.6 subsequently adopted.

22.7 C. Only the governing state agency or locally  
22.8 delegated authority ~~may~~ is authorized to issue variances to

22.9 chapters 4715, 4720, 4725, 6105, and 6120.

22.10 Subp. 3. **Variation from local ordinance requirements.**

22.11 Variances to standards and criteria not listed in subpart 2 ~~may~~

22.12 are allowed to be granted on a site-by-site basis by the local

22.13 unit of government, if applicable local variance procedures are

22.14 followed.

22.15 Subp. 4. **Record keeping requirements.** Local units of

22.16 government must maintain records of certificates of compliance,

22.17 notices of noncompliance, permit applications, issued permits,

22.18 enforcement proceedings, variance requests, and other actions

22.19 taken. Records must be available for review by the

22.20 commissioner. Permit files must also include:

22.21 A. site evaluation reports, including items

22.22 identified in parts 7080.1730 and 7081.0200, as published in the

22.23 State Register, volume 31, pages 1043 and 1074, and as

22.24 subsequently adopted;

22.25 B. design reports for items identified in parts

22.26 7080.2430 and 7081.0270, subpart ~~10~~ 11, as published in the

22.27 State Register, volume 31, pages 1061 and 1078, and as

23.1 subsequently adopted;

23.2 C. as-built drawings;

23.3 D. management plans and results ~~for~~ from approved

23.4 management plans; and

23.5 E. an annual list of all sewage system tanks

23.6 installed in the jurisdiction, sorted by the licensed

23.7 installation business.

23.8 Subp. 5. **Enforcement of local ordinances.** Local units of

23.9 government shall administer local programs and enforce local

23.10 ordinances that regulate SSTS as adopted in compliance with this

23.11 chapter. Local units of government ~~may~~ are authorized to also

23.12 enforce local ordinances under Minnesota Statutes, section

23.13 115.071, subdivisions 3 and 4.

23.14 7082.0500 PERMIT PROGRAM FOR SSTS.

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

23.16 A. Local units of government shall enforce local

23.17 ordinances that regulate SSTS through permitting programs that

23.18 meet the minimum requirements of this chapter.

23.19 B. A local unit of government with an SSTS ordinance

23.20 adopted under part 7082.0040, subparts 2 and 3, must have a

23.21 permit program that specifically addresses the following:

23.22 (1) permit application requirements;

23.23 (2) site, design, and soil review and approval

23.24 requirements and procedures;

23.25 (3) record keeping; and

23.26 (4) reporting to the commissioner.

23.27 C. Permits must be required for all new construction

24.1 and replacement. A local unit of government is authorized to

24.2 require permits ~~may be required~~ for all or certain types of SSTS

24.3 repairs.

24.4 D. A local unit of government with a local ordinance

24.5 to regulate bedroom additions must comply with subpart 3, item C.

24.6 Subp. 2. **SSTS permit application requirements.**

24.7 A. SSTS permit applications must require the

24.8 submittal of exhibits necessary for issuing a permit as

24.9 described in this chapter, along with general requirements for  
24.10 identifying the property and owners, a site evaluation report, a  
24.11 design report, a management plan, and any other information  
24.12 requested by the local unit of government pertinent to this  
24.13 process. Exhibits for site evaluation, design, and applicable  
24.14 construction information must be complete and include a  
24.15 certified statement from the certified person who conducted or  
24.16 oversaw the work. An approval process must be developed to  
24.17 address changes in the approved design that served as the basis  
24.18 for issuing a permit.

24.19 B. Local units of government must require, review,  
24.20 and approve the technical basis for Type II to Type V systems as  
24.21 listed in parts 7080.2250 to 7080.2400, as published in the  
24.22 State Register, volume 31, pages 1057 to 1061, and as  
24.23 subsequently adopted.

24.24 Subp. 3. **Permit approval requirements and procedures.** The  
24.25 permit program must include the requirements in items A to E D.

24.26 A. A qualified employee with jurisdiction or licensed  
24.27 inspection business who is authorized by the local unit of  
25.1 government must review the permit application and other exhibits  
25.2 to determine whether site evaluation procedures, observations,  
25.3 and conclusions are accurate and fulfill applicable  
25.4 requirements, ~~which include~~ and whether the proposed system will  
25.5 meet applicable requirements. An infield verification of  
25.6 the ~~seasonally periodically~~ saturated soil or bedrock at the  
25.7 proposed soil treatment and dispersal sites ~~and any other~~  
25.8 ~~exhibits, and whether the proposed system will meet applicable~~  
25.9 ~~requirements~~ must be conducted by a qualified employee with  
25.10 jurisdiction or licensed inspection business who is authorized  
25.11 by the local unit of government. An ~~MSTS~~ advanced inspector is  
25.12 required to perform the duties listed in this item for Type IV  
25.13 and Type V ISTS as described in parts 7080.2350 and 7080.2400,  
25.14 as published in the State Register, volume 31, pages 1059 to  
25.15 1061, and as subsequently adopted, ISTS design flow of greater  
25.16 than 2,500 gallons per day, and MSTS. The infield verification  
25.17 of the ~~seasonally periodically~~ saturated soil or bedrock ~~may~~  
25.18 must occur ~~at any point~~ prior to issuance of the certificate of  
25.19 compliance.

25.20 B. The local unit of government must review and  
25.21 approve or deny the permit application and management plan  
25.22 before issuing a construction permit. Construction must not be  
25.23 initiated until a construction permit is granted. Final  
25.24 approval of the system must be evidenced by issuance of a  
25.25 certificate of compliance.

25.26 C. Local units of government shall not issue a  
25.27 building permit or variance for a bedroom addition on property  
26.1 served by a system unless the SSTS is in compliance with  
26.2 applicable requirements, as evidenced by a certificate of  
26.3 compliance. A local unit of government ~~may~~ is authorized to  
26.4 temporarily waive the certificate of compliance requirement in  
26.5 this item for a bedroom addition permit for which application is  
26.6 made during the period from November 1 to April 30, provided a  
26.7 compliance inspection of the system is performed by the  
26.8 following June 1 and the applicant submits a certificate of

26.9 compliance by the following September 30. This item does not  
26.10 apply if the local unit of government does not have an ordinance  
26.11 requiring a permit to add a bedroom.

26.12 D. A licensed inspection business working on behalf  
26.13 of a local unit of government must not design or install systems  
26.14 that the business will be responsible for permitting or  
26.15 inspecting as part of its local government duties.

26.16 7082.0600 SYSTEM MANAGEMENT.

26.17 Subpart 1. **Management plans.**

26.18 A. Local units of government shall require management  
26.19 plans for all new or replacement SSTS as described in parts  
26.20 7080.2210 to 7080.2300, as published in the State Register,  
26.21 volume 31, pages 1054 to 1059, and as subsequently adopted.  
26.22 These plans must be submitted ~~and approved to the local~~  
26.23 ~~government~~ before issuance of a construction permit. ~~The~~  
26.24 ~~approved management plan must be reviewed and signed by the~~  
26.25 ~~owner before issuance of the construction permit.~~

26.26 B. Management plans must include:

26.27 (1) maintenance requirements, including  
27.1 frequency;

27.2 (2) operational requirements, including which  
27.3 tasks the owner can perform and which tasks a licensed service  
27.4 provider or maintainer must perform;

27.5 (3) monitoring requirements;

27.6 (4) requirements that the owner notify the local  
27.7 unit of government when management plan requirements are not  
27.8 met;

27.9 (5) disclosure of the location and condition of  
27.10 the additional soil treatment and dispersal area on the lot or  
27.11 serving that residence; and

27.12 (6) other requirements as determined by the local  
27.13 unit of government.

27.14 ~~C. Management plans may be modified as necessary and~~  
27.15 ~~reapproved by the local unit of government.~~

27.16 Subp. 2. **SSTS operating permits.**

27.17 A. Local units of government must issue and enforce  
27.18 an operating permit for SSTS specified in parts 7080.2290,  
27.19 7080.2350, and 7080.2400, and chapter 7081, as published in the  
27.20 State Register, volume 31, pages 1058, 1059, and 1061, and as  
27.21 subsequently adopted, and any other system deemed to require  
27.22 operational oversight as determined by the local unit of  
27.23 government. ~~If the local unit of government does not have the~~  
27.24 ~~resources or desire to provide adequate oversight of systems~~  
27.25 ~~requiring an operating permit, those systems or technologies~~  
27.26 ~~must not be installed in that jurisdiction. Operating permits~~  
27.27 ~~may be modified as necessary and reapproved by the local unit of~~  
28.1 ~~government.~~

28.2 B. An operating permit must include:

28.3 (1) maintenance requirements, including frequency  
28.4 of maintenance;

28.5 (2) operational requirements;

28.6 (3) monitoring requirements;

28.7 (4) compliance limits and compliance boundaries;

28.8 (5) reporting frequency;

28.9 (6) a requirement that the permittee notify the  
28.10 local unit of government when permit requirements are not met.  
28.11 Corrective actions must be taken as directed by the local unit  
28.12 of government;

28.13 (7) disclosure of the location and condition of  
28.14 the additional soil treatment and dispersal system; and

28.15 (8) stipulation of acceptable and prohibited  
28.16 discharges.

28.17 7082.0700 INSPECTION PROGRAM FOR SUBSURFACE SEWAGE TREATMENT  
28.18 SYSTEMS.

28.19 Subpart 1. **Inspection requirements.** Local units of  
28.20 government must have an inspection program to enforce  
28.21 requirements under this chapter. The inspection program must  
28.22 specify the frequency and times of inspections, specify the  
28.23 requirements of an inspection, establish an inspection protocol,  
28.24 provide for when an inspection cannot be completed in a timely  
28.25 manner, and, at a minimum, include the requirements for a  
28.26 compliance inspection under subparts 2 and 3, except for subpart  
28.27 3, item E.

29.1 Subp. 2. **Compliance inspection.**

29.2 A. A compliance inspection must be conducted:

29.3 (1) to ensure compliance with applicable  
29.4 requirements;

29.5 (2) to ensure compliance before issuance of a  
29.6 permit for the addition of a bedroom on property served by an  
29.7 SSTS, if the local unit of government issues permits for the  
29.8 addition of a bedroom, unless the requirements under part  
29.9 7082.0500, subpart 3, item C, are met;

29.10 (3) for all new construction or replacement;

29.11 (4) by a qualified employee or licensed  
29.12 inspection business, authorized by the local unit of government,  
29.13 who is independent of the owner and the installer; and

29.14 (5) for an evaluation, investigation, inspection,  
29.15 recommendation, or other process used to prepare a disclosure if  
29.16 conducted by a party who is not the system owner. This  
29.17 disclosure action constitutes a compliance inspection and must  
29.18 be conducted according to this chapter.

29.19 B. A licensed inspection business that inspects an  
29.20 existing SSTS ~~may is allowed to~~ subsequently design and install  
29.21 a new SSTS for that property, provided the inspection business  
29.22 is also licensed to design and install. A licensed inspection  
29.23 business working on behalf of a local unit of government must  
29.24 not design or install a system if there is a likelihood that the  
29.25 inspector or business will be responsible for permitting or  
29.26 inspecting the system or system site. A person working for or  
29.27 on behalf of a local unit of government ~~may is not allowed to~~  
30.1 use the person's position to solicit for private business gain.

30.2 ~~C. The construction inspection requirement may be~~  
30.3 ~~satisfied by a review by the designated local official of video,~~  
30.4 ~~electronic, photographic, or other evidence to show compliance~~  
30.5 ~~as provided by the installation business.~~

30.6 Subp. 3. **Certificate of compliance; notice of**  
30.7 **noncompliance; new construction or replacement.**

30.8 A. SSTS in compliance with applicable requirements

30.9 must be issued a certificate of compliance and systems found not  
30.10 in compliance must be issued a notice of noncompliance. SSTS  
30.11 not in compliance with part 7080.1500, subpart 4, item A, or  
30.12 7081.0080, subpart 3, as published in the State Register, volume  
30.13 31, pages 1031 and 1066, and as subsequently adopted, must be  
30.14 repaired or replaced within ten months or as directed under  
30.15 Minnesota Statutes, chapter 145A. Systems out of compliance  
30.16 with other applicable requirements must be repaired or replaced  
30.17 according to local ordinance requirements. Systems issued a  
30.18 notice of noncompliance for operational or monitoring  
30.19 deficiencies must immediately be maintained, monitored, or  
30.20 managed according to the operating permit.

30.21 B. The initial certificate of compliance ~~may~~ must be  
30.22 issued if reasonable assurance is evident that the system was  
30.23 built according to applicable requirements as specified in the  
30.24 construction permit.

30.25 C. Local units of government shall develop a  
30.26 certificate of compliance document or use a certificate of  
30.27 compliance developed by the agency. The certificate of  
31.1 compliance must include the vertical separation distance report  
31.2 described in subpart 4, item B, subitem (2), and the management  
31.3 plan developed under part 7082.0600, subpart 1. All  
31.4 certificates of compliance and notices of noncompliance must  
31.5 include property and property owner identification, date of  
31.6 inspection, system components, system location (dimensioned or  
31.7 drawn to scale), well setback distance, field check of soil  
31.8 conditions, SWF, as defined under part 7080.1100, subpart 84, as  
31.9 published in the State Register, volume ..., page ..., and as  
31.10 subsequently adopted, designations as applicable, and Class V  
31.11 designation as applicable.

31.12 D. A certificate of compliance or notice of  
31.13 noncompliance for new construction or replacement must be signed  
31.14 by a licensed inspection business or by a qualified employee  
31.15 certified as an inspector who is authorized by the local unit of  
31.16 government. The certificate of compliance or notice of  
31.17 noncompliance must be submitted to the local unit of government  
31.18 no later than 15 business days after any compliance inspection.  
31.19 The certificate of compliance or notice of noncompliance must be  
31.20 submitted to the owner or owner's agent within 15 business days.

31.21 E. A certificate of compliance or notice of  
31.22 noncompliance must include a certified statement from the  
31.23 certified individual or qualified employee who conducted the  
31.24 compliance inspection and indicate whether the SSTS is in  
31.25 compliance with local ordinance requirements.

31.26 F. If a compliance inspection indicates that the  
31.27 system is not in compliance with applicable requirements, the  
32.1 notice must contain a statement to this effect and specify what  
32.2 must be done to achieve compliance.

32.3 G. Certificates of compliance for new construction or  
32.4 a replacement system remain valid for five years from the date  
32.5 of issuance unless the local unit of government finds evidence  
32.6 of noncompliance.

32.7 Subp. 4. **Certificate of compliance; notice of**  
32.8 **noncompliance; existing systems.**

32.9 A. The agency's existing SSTS inspection report forms  
32.10 shall be used for existing system compliance inspections. A  
32.11 local unit of government is authorized to require the use of  
32.12 additional, local existing system inspection forms ~~may also be~~  
32.13 ~~required.~~

32.14 B. An inspection for existing SSTS must verify the  
32.15 conditions in subitems (1) to ~~(5)~~ (3).

32.16 (1) Sewage tanks must be assessed for leakage  
32.17 below the operating depth. A ~~watertightness~~ leakage report must  
32.18 be completed that includes the method or methods used to make  
32.19 the assessment. The assessment ~~may~~ must be made by ~~any~~ either a  
32.20 licensed SSTS business, except a design business, or made by a  
32.21 qualified employee with an SSTS certification, except as a  
32.22 designer. A passing report is valid for three years unless the  
32.23 certified individual has reason to believe that a new inspection  
32.24 is to be conducted and the tank is found not to be watertight.

32.25 (2) The vertical separation distance from the  
32.26 bottom of the soil treatment and dispersal system and the  
32.27 ~~seasonally~~ periodically saturated soil or bedrock must be  
33.1 verified. This verification must be achieved by either  
33.2 conducting soil borings or by prior verifications by two  
33.3 independent parties. The ~~system designer's~~ soil borings used  
33.4 for system design or previous inspections qualify as ~~one~~ a  
33.5 verification. A vertical separation distance report must be  
33.6 completed that includes the method or methods used to make the  
33.7 assessment and includes any previous soil borings. The  
33.8 assessment may must be made by either a licensed inspection  
33.9 business or a qualified employee inspector with jurisdiction.  
33.10 If the verification separation report consists of verifications  
33.11 by two independent parties, a subsequent verification is not  
33.12 required unless the inspector has reason to believe a  
33.13 noncompliant condition exists. ~~The allowable verifications for~~  
33.14 ~~the vertical separation report may be past soil borings used for~~  
33.15 ~~design purposes or past soil borings from previous compliance~~  
33.16 ~~inspections, if the verification was conducted by a party~~  
33.17 ~~independent of the party conducting the previous inspection. In~~  
33.18 ~~these cases, the past soil borings must be attached to the~~  
33.19 ~~vertical separation report.~~

33.20 (3) Sewage backup, surface seeping, or surface  
33.21 discharge from the system must be determined. A hydraulic  
33.22 function report must be completed that includes the method or  
33.23 methods used to make the assessment. The assessment ~~may~~ must be  
33.24 made by either a licensed inspection business or a qualified  
33.25 employee with an inspector certification. A passing report is  
33.26 valid until a new inspection is requested or if the hydraulic  
33.27 performance is believed to have changed.

34.1 ~~(4) Compliance with the system operational and~~  
34.2 ~~maintenance requirements must be determined. An operation and~~  
34.3 ~~maintenance report must be completed that includes the method or~~  
34.4 ~~methods used to make the assessment. The assessment must be~~  
34.5 ~~made by a licensed inspection business or a qualified employee~~  
34.6 ~~inspector.~~

34.7 ~~(5) The verification of proper management of a~~  
34.8 ~~system must be conducted by a licensed operation business or~~

34.9 ~~qualified employee operator if the system requires an operator.~~  
34.10 ~~A passing report is valid until a new inspection is requested~~  
34.11 ~~and becomes invalid if future required monitoring does not take~~  
34.12 ~~place or monitoring results indicate noncompliance. If required~~  
34.13 ~~maintenance is not up to date at the time of inspection, the~~  
34.14 ~~maintenance activities must be performed at the time of the~~  
34.15 ~~inspection and an assessment made by the inspector or operator~~  
34.16 ~~as to whether the system can again be in compliance, provided~~  
34.17 ~~required maintenance is performed in the future.~~

34.18 C. A certificate of compliance shall be based on the  
34.19 results of the verifications in item B. The certificate of  
34.20 compliance ~~or notice of noncompliance~~ must be signed by a  
34.21 licensed inspection business or a qualified employee certified  
34.22 as an inspector. The certificate or notice must be submitted to  
34.23 the local unit of government with jurisdiction and the property  
34.24 owner or owner's agent no later than 15 days after a compliance  
34.25 inspection. The completed form must also be submitted to the  
34.26 owner or owner's agent. The certificate of compliance is valid  
34.27 for three years from the date of issuance, even if one of the  
35.1 supporting reports expires before the three-year period, unless  
35.2 an inspector finds evidence of noncompliance.

35.3 D. If a compliance inspection indicates that the  
35.4 system is noncompliant, the notice must be signed by a licensed  
35.5 inspection business or qualified employee certified as an  
35.6 inspector and contain a statement to that effect and specify  
35.7 what must be done to achieve compliance.

35.8 Subp. 5. **Seasonally Periodically saturated soil**  
35.9 **disagreements.**

35.10 A. If a documented discrepancy arises on the depth of  
35.11 the ~~seasonally periodically~~ saturated soil between licensed  
35.12 businesses for SSTS design or compliance purposes, all disputing  
35.13 parties must follow the procedure outlined in this subpart.

35.14 (1) All local dispute resolution procedures must  
35.15 be followed.

35.16 (2) If no local dispute resolution procedures  
35.17 exist, the disputing parties must meet at the disputed site in  
35.18 an attempt to resolve differences.

35.19 (3) If the provision in subitem (2) does not  
35.20 resolve the differences, then one or more of the methods in  
35.21 units (a) to (c) must be employed.

35.22 (a) Obtain an opinion from a qualified  
35.23 employee of the local permitting authority with jurisdiction, if  
35.24 the local permitting authority is willing to provide an opinion.

35.25 (b) Obtain an opinion from an SSTS technical  
35.26 evaluation committee, if a committee has been developed for this  
35.27 purpose and is available and willing to render an opinion. The  
36.1 committee must be created in cooperation with the commissioner.

36.2 (c) Obtain an opinion from a Minnesota  
36.3 licensed professional soil scientist who is a certified SSTS  
36.4 designer or inspector and who is independent of, and agreed upon  
36.5 by, both parties.

36.6 (d) If options under unit (a) or (b) are not  
36.7 viable, an opinion must be rendered under unit (c).

36.8 (4) If opinions rendered in subitem (2) or (3) do

36.9 not resolve the dispute, all initial and follow-up documents and  
36.10 information generated must be submitted to the local unit of  
36.11 government. The local unit of government shall take into  
36.12 consideration all information and opinions rendered and make a  
36.13 final judgment. The local unit of government shall render  
36.14 findings of fact, conclusions of law, and findings setting forth  
36.15 the reasons for any final decisions it renders.

36.16 B. If a documented discrepancy arises on the depth of  
36.17 the ~~seasonally~~ periodically saturated soil between an SSTS  
36.18 licensed business and a local unit of government for SSTS design  
36.19 or compliance purposes, all disputing parties shall follow the  
36.20 procedure outlined in this item.

36.21 (1) The local unit of government and the licensed  
36.22 business must meet at the disputed site in an attempt to resolve  
36.23 differences.

36.24 (2) If the provision in subitem (1) does not  
36.25 resolve differences, then one or more of the methods in item A,  
36.26 subitem (3), unit (b) or (c), may are allowed to be employed.

36.27 (3) If opinions in subitem (2) are not sought or  
37.1 do not resolve the dispute, the local unit of government shall  
37.2 take into consideration all information and opinions rendered  
37.3 and make a final judgment. The local unit of government shall  
37.4 render findings of fact, conclusions of law, and findings  
37.5 setting forth the reasons for any final decisions they render.

37.6 C. Upon resolution of a dispute, amendments to  
37.7 initial disputed documents containing the resolution shall be  
37.8 made and submitted to the local unit of government and all other  
37.9 parties involved.