



# Program Management Decision On Septage Storage SSTS Program Biosolids Program Effective January 25, 2012

## Issue

Storage of septage at a centralized location

## Decision

This is a Program Management Decision which establishes continuity between two separate rules by allowing Minnesota Pollution Control Agency (MPCA) licensed Subsurface Septic Treatment System (SSTS) Maintenance businesses to store up to 50,000 gallons of septage in registered underground sewage tanks without a state disposal system permit (SDS permit) as long as a local SSTS permit is issued for the practice.

## Background

Septage is the solids and liquids removed from SSTS sewage tanks or similar devices such as cesspools (Minn. R. ch. 7080.1100, subp. 69). All centralized storage or treatment of septage is defined as a "Treatment Works" in Minn. R. ch. 7041, which reclassifies septage as municipal biosolids. This reclassification as biosolids requires a state permit to be issued for the Treatment Works. In addition, all land application practices in chapter 7041 must be followed, which requires land application by a Type IV operator (MN rules chapter 7048).

Midsized SSTS (MSTS), which are permitted locally, can include up to 50,000 gallons of sewage tank capacity for the treatment and storage of sewage liquids and solids. Therefore, it is reasonable to conclude that storage of septage can be safely undertaken in the same manner as done for MSTS.

Maintainers sometimes have difficulty land spreading their daily haul of septage due to weather conditions. Consequently, the MPCA has received requests from Maintainers in recent years to store relatively small amounts of septage for short periods of time when fields are not accessible. The need and conditions for the storage of relatively small amounts of septage was not known or envisioned in 1997 when Minn. R. ch. 7041 was developed. Rather, the rule was developed:

- for larger septage storage facilities, based on their operational needs,
- to conform to federal permitting (40 CFR pts. 122, 123, 124, and 501), and
- to conform to land application technical rules (40 CFR pt. 503, subp. B).

Further, the MPCA wishes to limit permitting to larger (septage) treatment works only. This is consistent with the approach taken by the Environmental Protection Agency (EPA) when adopting their sewage sludge permit rules. The preamble to EPA's 1989 final rules indicates it was not EPA's intent to permitting relatively small storage tanks for short-term storage but only larger septage treatment works and septage generated by entities like municipalities which could potentially have commercial or industrial waste contributions.

In addition, the purpose of including the land application of centrally-stored septage and biosolids under Minn. R. ch. 7041 is to ensure that septage storage facilities are soundly constructed and that land application is environmentally protective. Minn. R. ch. 7080 through 7083 provide that same assurance via the maintainer licensing/certification and Local Government Unit (LGU) minimum ordinance requirements as long as the septage is from residences and the land application of domestic septage is done in compliance with 40 CFR pt. 503 and agency guidelines. Given that Minn. R. ch. 7080 already allows 50,000 gallons of storage, it is appropriate to amend Minn. R. ch. 7041 rules to recognize Minn. R. ch. 7080 through 7083 requirements. It is also appropriate to establish this as a policy until such time that Minn. R. ch. 7041 is changed to reflect the same.

Finally, the MPCA wishes to relieve the Maintainers that would store these smaller amounts of septage from the cost of state permitting which would be proportionately quite high for these relatively small businesses. Currently, a permit to cover storage and land application has an application fee of \$9,300, an annual fee of \$500, and a permit renewal fee of \$1,240. If the septage storage can be permitted locally it would also relieve these septage Maintainers from other Biosolids Program elements such as site approval, land application operator certification (MPCA SSTS Maintainer license would still be required), and annual reporting. Local permitting for the relatively smaller storage volumes is also in keeping with other MPCA permit thresholds. The volume for which a General Permit for Land Application and Storage of Industrial By-Products is needed is for application of over 50,000 gallons-

### **Rationale and Benefits**

This option would allow septage Maintenance businesses to store septage until weather and soil conditions are more favorable for the land application of septage. This practice would help prevent problems associated with three areas of concern associated with the land application of septage:

1. Protecting surface water by preventing runoff of pollutants contained in septage (e.g., organic materials, nitrogen, phosphorus and pathogens)
2. Protecting the soil from compaction due to equipment traffic on wet soils
3. Protecting groundwater by preventing septage from pooling on sites which concentrates nutrients like nitrogen in one area which can leach through the soil

Finally, this practice is consistent with our Minn. R. chs. 7080-7083 SSTS rules on sewage tank capacity.

### **Terms and Conditions**

The following conditions must be met before septage storage up to 50,000 gallons is conducted under a local SSTS permit in lieu of an MPCA permit.

- Limit of 50,000 gallons of septage storage
- Local construction permits issued, may include operating permits at local discretion
- Land application by MPCA-licensed SSTS Maintenance businesses
- Underground storage in sewage tanks that are verified and listed by the MPCA under Minn. R. ch. 7080
- Tanks and facility must meet requirements for holding tanks contained in Minn. R. ch. 7080.2290
- If a Maintenance business seeks storage on more than one site, the MPCA permit threshold will be evaluated based on the provision of Minn. R. ch. 7081.0040, subp. 1(B).
- All other local requirements must be met (setbacks, zoning considerations, etc)

Eventually, changes will be made to Minn. R. ch. 7041 to change of the definition of "Treatment Works" to reflect an exemption for short-term storage of septage under 50,000 gallons.

**APPROVAL**

I have reviewed this management decision and I concur.

Signed:

Lisa Thorvig, Director  
Municipal Division  
January 25, 2012

Signed:

Rebecca Flood  
Assistant Commissioner  
January 25, 2012

Signed:

William Haapala, Program Manager  
Municipal Division  
January 25, 2012