



Minnesota Pollution Control Agency

August 2, 2002

County Planning and Zoning Administrators
City Planning and Zoning Administrators
Township Administrators

RE: Minnesota Rule 7080.0600, subpart 2.B.

Dear Administrators:

The Minnesota Pollution Control Agency (MPCA) has recently had contact with Sherburne County Planning and Zoning officials in relationship to how the MPCA administers Minnesota Rule (Minn. R.) 7080.0600, subpart (subp.) 2.B. Minn. R. 7080.0600, subp. 2.B., requires an application for single or group Individual Sewage Treatment Systems (ISTS) to be submitted to the MPCA for a State Disposal System (SDS) Permit. As a result of this recent contact, Sherburne County asked for the MPCA's written position on this issue. The purpose of this letter is to provide the MPCA's written position on administering Minn. R. 7080.0600, subp. 2.B., and the MPCA is also sending this correspondence to all county and local planning and zoning officials statewide.

Minn. R. 7080.0600, subp. 2.B., reads: "When a single ISTS, or group of ISTS, under single ownership within one-half mile of each other, are designed to treat an average design flow of 10,000 gallons per day (gpd), the owner or owners shall make application for and obtain a state disposal system (SDS) permit from the agency in accordance with this subpart and chapter 7001."

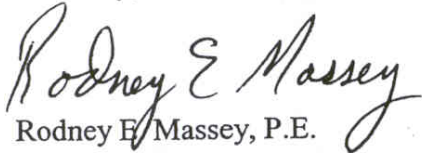
The application of this standard has been particularly challenging when development has taken place in phases. For example, local permits have been issued for cluster or large ISTS facilities that have treatment/disposal components similar to: two 5,000 gallon septic tanks, and a lift station followed by three 15,000 square foot treatment/disposal soil zones. Although the sizing of this treatment/disposal system indicates that the design is intended to serve flows more than 10,000 gpd, local administrators have sometimes issued phased building permits for the development and the treatment system, with these permits restricting construction so that the flow under the first phase of the project is limited to less than 10,000 gpd. By doing this, local administrators believed that "design flow" for the purposes of the first phase of the permit was less than 10,000 gpd. The MPCA does not agree with this interpretation. The requirement that systems, which "are designed to" treat more than 10,000 gpd applies to the entirety of the phase project. This requirement may not be avoided by phasing the home construction to get a local permit first; an application must be submitted to the MPCA for a SDS Permit.

It is also important that these projects be submitted to the MPCA for SDS permitting so that the MPCA, as the Responsible Government Unit, may adequately determine if the project is required to complete an Environmental Assessment Worksheet (EAW).

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Should you have any questions regarding this letter, or in making an informed decision on the need for a project to submit a SDS Permit application to the MPCA, please feel free to contact Randy Thorson, of my staff, at (651) 296-9287 or email: randy.thorson@pca.state.mn.us. If you have any questions on EAW issues, please contact Eric Kilberg, of my staff, at (651) 296-8683 or email: eric.kilberg@pca.state.mn.us.

Sincerely,

A handwritten signature in cursive script that reads "Rodney E. Massey".

Rodney E. Massey, P.E.
Division Director
Regional Environmental Management Division

REM:smd

cc: Nancy Riddle, Sherburne County Planning and Zoning