38748 Minnesota Pollution Control Agency Request for Comments

Closed Dec 22, 2022 · Discussion · 53 Participants · 1 Topics · 56 Answers · 0 Replies · 46 Votes

53	1	56	0	46
PARTICIPANTS	TOPICS	ANSWERS	REPLIES	VOTES

SUMMARY OF TOPICS

SUBMIT A COMMENT

56 Answers · 0 Replies

Important: All comments will be made available to the public. Please only submit information that you wish to make available publicly. The Office of Administrative Hearings does not edit or delete submissions that include personal information. We reserve the right to remove any comments we deem offensive, intimidating, belligerent, harassing, or bullying, or that contain any other inappropriate or aggressive behavior without prior notification.

Rebecca Olson · Citizen · (Postal Code: unknown) · Nov 10, 2022 8:06 pm

5 Votes

I want to emphatically oppose this suggested change to allow drainage holes in the septic tanks. As a designer, installer, (previous pumper), and inspector of SSTS, we have a hard enough time keeping the tank WITHOUT a hole to start with water tight. The state has put a lot of weight on keeping tanks watertight, with the pumping requirement at inspection and state testing of tanks, it seems like a huge step backwards to allow a drainage hole. It just adds a spot to make a mistake, and likely wouldn't be caught until PRIVATE inspection later on. (Or when the holding tank fills constantly)

Matt Vukonich · Citizen · (Postal Code: unknown) · Nov 11, 2022 6:16 am

4 Votes

Couldn’t agree more with Rebecca. I oppose this. I am a designer, inspector, installer and think it foolish to add one more human element to a situation where it is hard enough to keep any tank watertight, let alone concrete ones where there is high ground water, frost action, soil pressure. There are good products out there to seal it up but why add another component in the worst spot on the tank to potentially screw up? Holding tanks especially. Take the time and pump them out before you load.

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dale cazett · Citizen · (Postal Code: unknown) · Nov 11, 2022 8:42 am

4 Votes

I agree with the previous comments. Pump them out before delivery

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Lynn Waytashek · Citizen · (Postal Code: unknown) · Nov 14, 2022 10:28 am
4 Votes

I agree with previous comments as well. There should not be any holes placed in the septic tanks. They should either be pumped out prior to being brought to install site or shrink wrapped to prevent water from entering in the first place.

Don Ramberg · Citizen · (Postal Code: unknown) · Nov 16, 2022 8:39 am
5 Votes

I agree with the above comments that installing a hole below operating level would be a huge mistake. Pumping them out would be the right thing to do.

David Gustafson · Citizen · (Postal Code: unknown) · Nov 17, 2022 9:29 am
4 Votes

I agree with the thoughts that are being presented.
I am opposed to this change. A majority of current tanks have been installed meeting the solid tank requirements. This has been a good standard and there are multiple ways to address weather impacts that are better than compromising the tank integrity. It is difficult to warranty the plug will maintain its water tightness. Particularly matching the 50 year design life of concrete tanks. I think an investment in evaluating currently installed tanks with these holes and plugs would be helpful in this case.

James Williamette · Citizen · (Postal Code: unknown) · Nov 18, 2022 8:53 am
4 Votes

This proposal is not thought out very well. While I understand that water in tanks could be an issue when they move them. It is good to know that the tank is doing what it was built to do. Adding a drain hole is not the answer. The chances of this drain hole leaking are very problematic. Just think how are you going to address it after its installed? Maybe adding a poly wrap over the cover area and keep them dry would be a better solution. They could also take a few minutes and pump them before they move them to site where they are going to be installed.
In close I would say No to this idea.

Matt Bolterman · Citizen · (Postal Code: unknown) · Nov 21, 2022 12:47 pm
5 Votes

I feel allowing a drain hole would be a big step backwards in this industry where we have worked so hard to require tanks to be water tight. Once the drain hole patch fails, then we will have tanks that are a failure to groundwater and must be replaced which could be within a few years of install.

Sarah Berry · Citizen · (Postal Code: unknown) · Nov 30, 2022 11:10 am
4 Votes

I am opposed to this change. There are a number of ways that the introduction of water to a tank in storage can be minimized or removed if present prior to transport. There are currently tank manufacturers who have overcome this hurdle without compromising the integrity of a tank below operating depth. Tank integrity is critical to complete sewage treatment, and I believe compromising this standard is not acceptable in a state so committed to environmental protection.

Kyla Schlomann · Citizen · (Postal Code: unknown) · Dec 02, 2022 8:56 am
5 Votes

I agree with the majority of the comments. I am opposed to this change. There are many other ways to address the introduction of water to a stored tank. I feel like this would be a step backwards in regard to meeting the solid tank requirements and could also create problems with tank integrity.

Alex Pepin · Citizen · (Postal Code: unknown) · Dec 02, 2022 10:50 am
4 Votes

As a septic industry professional I am opposed to this potential rule change as I feel it would add an increased opportunity for leaking of the tank below the operating level. No matter how well patched or plugged a hole is in a tank it is still a hole and a weak point in a tank that would increase the risk of leaking of untreated sewage into groundwater. The benefit of ease of moving the tank for transport or storage in a manner that better handles stormwater is far outweighed by the potential negative impact of untreated sewage into the groundwater this rule amendment would allow. As a result I am not in support of this rule amendment.

Kurt Christopherson · Citizen · (Postal Code: unknown) · Dec 05, 2022 7:26 am
4 Votes

As an industry professional for the last 33 years, I heavily oppose the potential rule change. There are ways to alleviate/ or eliminate accumulation of rainwater in the tank by either using a dewatering pump ($750.00) cost or cover the top openings with appropriate lids.
The potential for human or product failure in sealing the proposed bottom drain opening is high and could result in potential groundwater contamination.
I am against this rule amendment.

Doug Maschler · Citizen · (Postal Code: unknown) · Dec 06, 2022 7:50 am
4 Votes

As an industry professional I would strongly oppose the idea of having drain holes in septic tanks below the operating level, specifically in the floor of the tank for the purpose of draining the tank prior to transport. This goes against all thoughts and efforts to create a tank that is watertight. The potential for future leaks is greatly increased due to the possibility of the plug failing, either from human error when installing the plug or material failure. I feel that the best solution would be to either pump the tank prior to transport or design a reusable cover that would fit over the manholes while the tank is in

storage. Protecting ground water should be the number one goal when it comes to septic systems and this potential rule change could be detrimental to that initiative. Minnesota should be a leader when promoting the protection of ground water and I feel this would be a step backwards.

Jason Walsh · Citizen · (Postal Code: unknown) · Dec 06, 2022 7:59 am
4 Votes

I oppose this rule amendment. I think a drain hole is the wrong way to deal with precipitation accumulating in tanks. It should not be an option.

There are other options to manage precipitation when tanks are stored which would not have potential impacts to the tank by creating and sealing a drain hole.

A lid, wrap, tarp, wood, or any covering to prevent/minimize accumulation. If those options do not suffice, then set up a pump to pump the tanks out. It would be easier to prevent water instead of potentially creating an issue with tank compliance now and in the future.

Carrie Vredenburg · Citizen · (Postal Code: unknown) · Dec 06, 2022 8:05 am
4 Votes

I am opposed to this potential rule change. I feel this is a terrible idea that could potentially lead to much greater issues. I think pumping them out before transporting them makes far more sense than compromising the integrity of the septic tank.

Jesse Anderson · Citizen · (Postal Code: unknown) · Dec 06, 2022 8:23 am
4 Votes

As industry professionals Blue Earth County, MN - Property and Environmental Resources is strongly opposed to this rule change, we see it as leading to impacts to public health and the environment by allowing for an opportunity for the tank to leak below its operating depth which would result in untreated sewage discharging into groundwater. The drainage hole however well plugged and/or patched is still a hole in the otherwise intact concrete and would increase the risk of leaking below the operating depth over an intact tank without the drainage hole. The tanks may be stored with covers on or pumped out prior to shipment/regularly to mitigate any risks to public health from mosquito breeding grounds within the tanks. As a result, we think this amendment to the rules would add increased risk to public health and the environment and we therefore are opposed to it.

Emily Anderson · Citizen · (Postal Code: unknown) · Dec 06, 2022 8:25 am
4 Votes

I am strongly opposed to this rule amendment. It seems very illogical to add a hole to a tank that is required to be watertight. This creates more potential problems than the problems created by stormwater. There are solutions to ensuring the tanks do not fill

with water or can be pumped out. If holes are added and problems arise after they are already in use, it is much harder to resolve at that time.

Mary VonEschen · Citizen · (Postal Code: unknown) · Dec 06, 2022 9:07 am

4 Votes

As an industry professional I am opposed to this rule change as I see it as leading to impacts to public health and the environment by allowing for an opportunity for the tank to leak below its operating depth which would result in untreated sewage discharging into groundwater. The drainage hole however well plugged and/or patched is still a hole in the otherwise intact concrete and would increase the risk of leaking below the operating depth over an intact tank without the drainage hole. The tanks may be stored with covers on or pumped out prior to shipment/regularly to mitigate any risks to public health from mosquito breeding grounds within the tanks. As a result, I think this amendment to the rules would add increased risk to public health and the environment and am therefore opposed to it.

Angela Tvedt · Citizen · (Postal Code: unknown) · Dec 06, 2022 9:59 am

4 Votes

I am a septic designer, inspector, installer, and pumper and as an industry professional I am opposed to this rule change as I see it as leading to impacts to public health and the environment by allowing for an opportunity for the tank to leak below its operating depth which would result in untreated sewage discharging into groundwater. The drainage hole however well plugged and/or patched is still a hole in the otherwise intact concrete and would increase the risk of leaking below the operating depth over an intact tank without the drainage hole. The tanks may be stored with covers on or pumped out prior to shipment/regularly to mitigate any risks to public health from mosquito breeding grounds within the tanks. As a result, I think this amendment to the rules would add increased risk to public health and the environment and am therefore opposed to it.

Mark Dewey · Citizen · (Postal Code: unknown) · Dec 06, 2022 12:14 pm

4 Votes

As a septic inspector I am opposed to this change. Create more issues. Pump , cover or store inside. Also another area to inspect when unnecessary.

Katie Barden · Citizen · (Postal Code: unknown) · Dec 06, 2022 3:07 pm

4 Votes

I am 100% opposed to this change as well. Too many tank integrity issues. No way of inspecting and regulating a weep hole on a "Water Tight Tank" especially after the tank as been placed in the
ground. As an inspector I would require engendered documentation and I would not sign off certifying that the system meets all 7080 standards. What will stop homeowners from drilling their own "weep holes". I would hate to be a maintainer or a pumper having to certify a "weep hole tank".
A weep hole below the operating level of a tank does not make any sense. I'm baffled we

are having
this conversation. Store the tank with the lid on or indoors. It's that simple.

Nick Brozek · Citizen · (Postal Code: unknown) · Dec 06, 2022 4:14 pm
4 Votes

Redwood County opposes the amendment, unless said amendment will result in significantly lower tank prices for county residents. The expectation of lower prices is reasonable because allowing drainage holes would be a convenience for the manufacturers. However, drainage will not improve tank quality or tank performance, and may cause leaks.

Redwood County's opposition to the amendment is based on four factors:
1. Improperly sealed drainage holes would negatively impact tank performance and would fail to protect groundwater.
2. Public perception of the septic program could suffer, once consumers are made aware that they are spending thousands of dollars on engineered concrete tanks (in order to protect the environment) that turn out to have holes in the bottom of them. This negative perception could gain traction regardless of the fact that the holes are supposed to be sealed.
3. There are alternatives to drainage holes. Temporary lids can be fitted to tanks to prevent water accumulating in the tanks. If water does accumulate in a tank, it can be pumped out.
4. County staff conduct hundreds of septic inspections, including during tank delivery, and we have never witnessed a tank being delivered full of water, or partly full of water.

If the amendment is approved, it should at a minimum include the following requirements in order to protect consumers, septic contractors, and water quality:
- An industry standard method should be described and required for sealing the holes.
- Tank manufacturers should be responsible for sealing the holes before tanks are placed in the ground.
- Tank manufacturers should warranty the seal.
- Tank delivery should include a certification from the manufacturer that the drainage hole has been correctly sealed.

Thank you for considering our comments.

Respectfully,

Redwood County septic staff

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troy johnson · Citizen · (Postal Code: unknown) · Dec 07, 2022 11:33 am
3 Votes

I think more pertinent information, especially from the tank manufacturers, would be helpful to make a fully informed decision.
I do believe this weep hole consideration only applies to larger tanks (above 2500 gallons?) so it would generally only apply to commercial septic systems, which tend to have higher oversight during installation.

Reading the previous posts, the options of covering the tank with shrink wrap, tarps, temporary lid or storing them indoors are all not realistic of keeping water out or would be cost prohibitive.
Then there's a lot of concern to be able to inspect a tank with a weep hole. You would simply inspect it the same way you do all other tanks. We also have registered mid seam tanks that have a much larger area to potentially leak and we don't hear any concerns about them in that regard.
As far as mosquitos go, even with a weep hole there will still be some water in the tank. And with the bulk of tanks in the mfg yard being the smaller ones with no weep hole, with a lid, there are still riser openings that will allow some water to pond in the tank. So with or without the weep hole amendment I don't see it changing the mosquito concern one way or another.
Boats are made to be watertight and they all have at least one hole below the water line, and the bigger boats have a few more than that. They just deal with it accordingly, I'm confident if we can put a man on the moon we can engineer a simple plug that will be water tight and last 40 years. The biggest issue would be to remember to put the plug in before leaving the mfg yard.
So realistically I don't see a major concern to dealing with a weep hole.
However, I see even less of a hassle to simply pump the water out of the tank with a small 12 volt bilge pump running off a portable battery. Or if something bigger/faster is needed, a shop vac or an effluent pump (Menards Barracuda $58) to quickly empty the tank.
So the simpler choice would seem to be "no weep holes allowed".

Bill Phillips · Citizen · (Postal Code: unknown) · Dec 08, 2022 8:58 am
5 Votes

As a SSTS professional I am opposed to this potential rule change. The addition of a drain hole to the tank below the operating level will be one more potential hole that can leak if it's not secured or plugged properly and could fail over time. This will complicate future compliance inspections on a system and will have to be one more hole that the compliance inspector will need to verify if its leaking or not. Future owners of these tanks could be impacted negatively financially by this potential rule change if the hole leaks. Public perception could be negatively impacted by this potential rule change, even if a drain hole was property sealed. Premature leaks can also impact human health as well as cause environmental contamination. If a hole is drilled or otherwise manufactured into the tank it could impact the structural integrity and potential cause a “weak spot” in the tank which could also lead failure of a tank. Tank quality has really improved though the years, and I feel this potential change would be a step in the wrong direction. Precipitation in open tanks can be easily prevented or removed by pumping out with a submersible pump.

Bernie Miller · Citizen · (Postal Code: unknown) · Dec 09, 2022 9:35 am
4 Votes

As an industry professional I am opposed to this rule change as I see it as leading to impacts to public health and the environment by allowing for an opportunity for the tank to leak below its operating depth which would result in untreated sewage discharging into groundwater. The drainage hole however well plugged and/or patched is still a hole in the otherwise intact concrete and would increase the risk of leaking below the operating depth over an intact tank without the drainage hole. The tanks may be stored

with covers on or pumped out prior to shipment/regularly to mitigate any risks to public health from mosquito breeding grounds within the tanks. As a result, I think this amendment to the rules would add increased risk to public health and the environment and am therefore opposed to it.

Steve Strandlund · Citizen · (Postal Code: unknown) · Dec 09, 2022 11:58 am
4 Votes

As an SSTS professional I am opposed to the potential rule change because it makes no sense to start out with a hole in the bottom of a septic tank that current rules require inspection and proof every 3 years that the tank is waterproof to meet current code.

Brian Martinson · Citizen · (Postal Code: unknown) · Dec 12, 2022 9:44 am
4 Votes

The attached comments are from the Minnesota Association of County Planning and Zoning Administrators.

Deana Malone · Citizen · (Postal Code: unknown) · Dec 12, 2022 3:22 pm
4 Votes

On behalf of Wadena County and our SSTS program, I can also be listed as opposed to this proposed rule change. I am in agreement with much of what has been listed as points for opposition already, so will not restate them, and I am in agreement with the MACPZA correspondence as well as the comments submitted by Redwood County.

Angela Lipelt · Citizen · (Postal Code: unknown) · Dec 13, 2022 1:07 pm
4 Votes

Mower County Board of Commissioners and I on behalf of the County's SSTS program do not support a proposed rule change to allow drainage holes in septic tanks. Please see our 13 attached relevant points relating to reasons why this should NOT be allowed.

Respectfully submitted,
Angela M. Lipelt, Mower County Environmental Services

Eric Van Dyken · Citizen · (Postal Code: unknown) · Dec 14, 2022 9:57 am
4 Votes

As a local regulator with more than 22 years of experience and the representative of MACPZA District D on the SSTS Advisory Committee and the SSTS Implementation and Enforcement Task Force, I speak against rule making for this proposed allowance. I support the comment letter authored by MACPZA and submitted above by Brian Martinson. Beyond that I generally find that rule making focused on one particular situation is often ill-advised. It seems as though the potential problem associated with a particular site is better addressed by other industry practices currently being used across the state.

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Peter Otterness · Citizen · (Postal Code: unknown) · Dec 14, 2022 11:21 am
4 Votes

As a former regulator with over 14 years in the septic industry, I oppose the rule change to allow drainage holes in a watertight tank. The current rule for the tank integrity and water-tightness standards are necessary for all tanks regardless of size. As a former county inspector, I have concern over the longevity of any type of "plug" below the liquid level and the ability to evaluate its watertight status over the life of the tank. As a current educator in the septic industry, having a watertight standard for tank and then allowing a hole to be put in that tank to drain water will be a difficult standard to teach and makes no sense. To my knowledge there has not been a proposed or proven sealing method given, researched, or vetted relating to this proposal. I have concerns of longevity with maintenance every 3 years possibly stressing any plug or dislodging the plug inadvertently causing the leakage of sewage in an unsafe way.

I agree that the water in the tank may make a tank too heavy to move at the plant or for transport, however there are better solutions to deal with water by either keeping precipitation out of the tank by having a lid placed on the tank or by removing the water with a pump before moving it. This would not jeopardize the designed and proven water-tightness of the tank.

I agree with the entire statement letter submitted by MACPZA and vehemently oppose any drainage holes below the operating level in any septic tank.

Keith Valento · Citizen · (Postal Code: unknown) · Dec 14, 2022 6:45 pm
4 Votes

Speaking with 32 yrs of experience in the on-site industry, I believe that the proposed rule to allow for a drain hole (below the normal operating level) in a newly built septic tank , for the purpose of draining the tank of potential rain water accumulation, is a idea that I'm adamantly against!!

Becky Buchholz · Citizen · (Postal Code: unknown) · Dec 15, 2022 1:28 pm
4 Votes

As a current county inspector, I am opposed to the potential rule changes in regards to the drainage hole installation in precast tanks for precipitation mitigation. Please see the attached letter for specific reasons. Thank you.

John Otterbein · Citizen · (Postal Code: unknown) · Dec 16, 2022 1:12 pm
3 Votes

Considering this is the public opinion stage of rule amendment, and this is only a proposed change (not even a rough draft of the potential changes). I would like to state that I am OPPOSED to any allowable “drainage holes” in any/all tanks which may hold sewage or be considered a sewage tank as defined in 7080. Specifically, I have concerns with:
Item 3. watertightness of repaired drainage holes throughout the anticipated design life
Item 6. potential impacts to SSTS homeowners, including low-income communities,

communities of color, Indigenous people, and others who bear disproportionate effects of pollution and environmental health disparities; and wq-rule4-26a 2
Item 7. impacts to local government unit program administration and inspection protocols

Repairing or plugging manufactured holes in tanks may seem like a good idea or easy to implement, however, it creates questions that may be very hard to answer. Such as: Is there good evidence that repaired or plugged holes have longevity? Will the repaired holes need to be periodically inspected? If so, how and by who? If the repaired hole fails, are homeowners responsible for replacing the tank or attempting to fix the repair? If so, how do they fix the failed repair?

I work for a LGU reviewing designs, granting permits to construct, and performing final inspections. How should I properly inspect a repaired hole on a tank that is set?

Overall, I oppose the idea of allowing drainage holes in tanks. It is a simple fact that a potential rule change will benefit manufacturers and push A LOT of responsibility out into the public (installers, inspectors, homeowners). I believe there are multiple options currently available to tank manufacturers to prevent precipitation from entering the tanks and also to remove precipitation from tanks after it collects. Lastly, I would like to echo what many others have said. It is not a good idea to compromise the integrity of a solid tank with a manufactured hole and it would be very difficult to PROVE a repaired or plugged hole will hold up to the expected life of a concrete tank.

Thank you for your consideration

John Otterbein
Environmental Specialist Technician
Planning and Community Development – On Site Wastewater
St. Louis County Government Services Center
320 W 2nd St, Suite 301
Duluth, MN 55802

Mark Peterson · Citizen · (Postal Code: unknown) · Dec 16, 2022 6:09 pm
2 Votes

I oppose drainage holes in any septic tank. Prevent precipitation from entering the tank. Don't void structural integrity. Sorry but I think its a ludicrous idea.

Denny Swehla · Citizen · (Postal Code: unknown) · Dec 16, 2022 6:17 pm
2 Votes

I Agree with Our Majority of the Comments!!!
This is a VERY BAD IDEA!!!
To solve the problem, just put a cover on the tanks as they are sitting outside exposed to the weather !!

Chris Priebe · Citizen · (Postal Code: unknown) · Dec 19, 2022 6:38 am
2 Votes

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As a SSTS Inspector and Service Provider I am apposed to the potential rule change allowing a drainage hole below the operating depth of a tank. There is no way to accurately test the effectiveness and longevity of the hole repair. There are more environmentally safe options to empty tanks prior to being loaded at the storage facility.

Melissa DeVetter · Citizen · (Postal Code: unknown) · Dec 19, 2022 6:42 am
2 Votes

I oppose drainage holes in in the tanks. As an Inspector, I believe that it is extremely unwise and short-sighted to compromise structural integrity in order to address a relatively simple on-site tank management and storage issue. An ounce of prevention is worth a pound of cure.

Elizabeth Harbaugh · Citizen · (Postal Code: unknown) · Dec 19, 2022 1:23 pm
1 Votes

As a Certified and Licensed SSTS Inspector and Service Provider and as a homeowner located in Minnesota with a property served by an individual onsite septic system, I oppose the possible amendments for drainage holes below a tanks operating level.

Below I am providing input on the following items:
- watertightness of repaired drainage holes throughout the anticipated design life;
- potential impacts to SSTS homeowners, including low-income communities, communities of color, Indigenous people, and others who bear disproportionate effects of pollution and environmental health disparities; and
- impacts to local government unit program administration and inspection protocols.
- sewage tank precipitation management practices (i.e., snow and rain management for sewage tanks in storage);
- Other

Any method used to create, repair, and seal drainage holes should be researched, tested, proven, and approved to create a watertight tank throughout the anticipated design life of a concrete tank.

Proving watertightness of drainage hole repairs throughout the anticipated design life would need to include watertight tests being completed on every tank at installation, during existing system inspections, and after every maintenance activity that includes the tank being pumped out to ensure the integrity of the tank and the seal. This would likely result in confined space entry and the need for every Service Provider, Maintainer, and Inspector to be certified/trained for confined space entry and would require the assistance of multiple certified individuals in order to enter the hazardous tank. Should corners be cut, this has a high chance of resulting in death, as confined space entry already holds this potential risk when done properly.

Proving and maintaining watertightness if drainage holes were allowed in tanks would likely create additional costs for homeowners including homeowners of all income levels. This could have a substantial effect on communities of low income further driving the community toward poverty, especially if tanks were to leak and fail prematurely and require additional repair or replacement.

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Would vacuum testing as a method of checking for watertightness have a potentially negative effect on drainage hole repairs?

This would have a considerable impact on the local government units (LGU) program administration and inspection protocols, potentially requiring additional inspections, verifications of watertightness, additional tracking, and continued oversight for watertightness throughout the anticipated life span of the tank. This would require additional training for certified staff and would increase the workload for the LGU's program. This could lead to additional enforcement actions, citations, and additional workload for court staff. This could hinder relationships with the community in which the LGU serves, these relationships at times can already be difficult to maintain and further pressure on homeowners could affect one's mental health, financial stability, and family. In areas where there is shallow depth to bedrock, karst, and sensitive wells, additional groundwater monitoring and well testing may be needed to determine if a tank with repaired drainage holes below the tanks operating depth is affecting the quality of groundwater, and/or potentially affecting drinking water.
The costs associated with added enforcement, inspections, integrity tests, and well monitoring the LGU's may incorporate into ordinances would create unnecessary stress and additional burden for property owners.

Septic professionals in all categories would be taking on additional liability should the repair/seal fail which could affect their businesses and livelihoods.

Sewage tank precipitation management practices could include; Pumping the tank prior to delivery, storage of the lid on the tank and remove just prior to placing it onto the truck, or utilization of a hard plastic lid/cover that covers the entire top of the tank, this could be reused.

Kurt Casavan · Citizen · (Postal Code: unknown) · Dec 19, 2022 2:42 pm
1 Votes

I am the Red Lake County Environmental Services Officer. I oversee our Septic program(SSTS). I am not in favor of any drain holes in our septic tanks. This completely defeats the purpose of having water tight tanks. Even if you plug the holes there is still that weak point in the tank, with the potential for leaking. Seems to defeat the purpose of trying to protect our groundwater.

Peter Mattson · Citizen · (Postal Code: unknown) · Dec 19, 2022 3:08 pm
1 Votes

See attachment for comments from Austin (MN) Audubon Society opposing the proposed change in regulation.

Peter Mattson
President, Austin Audubon Society
507 567 2570
28072 550th Ave., Austin, MN 55912

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Tammy Trantham · Citizen · (Postal Code: unknown) · Dec 19, 2022 4:25 pm
1 Votes

The Minnesota Onsite Wastewater Association (MOWA) Board of Directors believes that the current rules for watertight tanks, which do not allow for drainage holes, provides the best protection for the public health and environment. Manufacturers, under current rule, are providing structurally sound new tanks that will provide the best longevity for watertightness in wastewater treatment. - MOWA Board of Directors

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Megan Thompson · Citizen · (Postal Code: unknown) · Dec 20, 2022 11:03 am
1 Votes

See attachment for comments from Lake of the Woods County Land and Water Planning Office in opposition to the proposed rule change.

Sheila Reem · Citizen · (Postal Code: unknown) · Dec 20, 2022 12:18 pm
1 Votes

As a septic designer and inspector, I strongly oppose the proposed rule change. Changing the rule is not the answer for EVERYONE that this affects. Changing the rule only benefits the manufacturer but in the grand scheme of things, costs the landowners a lot more between the possibillity of having to replace a tank that the drainage hole plug started leaking after 2 years of service, to paying more taxes for LGU's to revise ordinances to match the rule change, to paying more for inspections that will take longer trying to inspect a designed "leaky" tank with a plug, to paying more for installations as they will take longer, etc.
The easier solution would be for the manufacturer to cover the tanks whild the tank is being stored or to pump out any water inside the tanks prior to delivery. There are many other options to cover the tanks as well. The manufacturer needs to do their due diligence in finding storage solutions that do not compromise tank integrity.
Please see attached for more comments (or should I say ramblings of the reasons)

Ron Mares · Citizen · (Postal Code: unknown) · Dec 20, 2022 2:05 pm
0 Votes

I am agreement with comments above opposing the proposed rule change. Since we cannot repair a tank with a hole why would a proposal for a tank with a hole be a good idea.

William Del Zotto · Citizen · (Postal Code: unknown) · Dec 20, 2022 3:47 pm
1 Votes

I support MPCA's proposed amendments to Minn. R. ch. 7080 for at least four reasons.

First, Minn. R. 7080.1990, subp. 1(C), as currently written, does not prohibit repaired weep holes or plugs. Moreover, both Minn. R. 7080.1990, subp. 1(C) and Minn. R. 7080.1900 provide exceptions (i.e., "unless") to the prohibition if (1) "designed for a specific operational purpose and approved by the local unit of government" and (2)

"approved by a licensed professional engineer and approved by the local unit of government," respectively.

Second, attached here is the vacuum and watertight certifications, as well as the testing approval by a licensed professional engineer, of the permanent positive seal device (PPSD). There has been no evidence submitted by any commenter to support their alleged concerns of future leaking with such PPSDs. And, per Minn. Stat. § 115.55, subd. 5a, the local government units are required (i.e., "shall") to perform an "inspection . . . for all new construction or replacement of a system to determine compliance with applicable requirements."

Third, this is demonstrably not "a one manufacturer issue" nor "in one area of the state." As proof thereof, Del Zotto sold from 2014-2020 at least 1,300 PPSDs to Amcon, who was acquired by Cemstone, one of Minnesota's leading concrete manufacturers, and Del Zotto is not aware of another purpose for its PPSDs other than to permanently seal before installation holes drilled into septic tanks. There is also a documented history of other Minnesota septic tank manufacturers using various methods to protect the performance and quality of the precast concrete septic tanks. On a national level numerous manufacturers utilize products and systems to safely accomplish this protection.

Fourth and finally, the use of PPSDs to permanently seal before installation holes drilled into septic tanks is especially necessary for 2,500 gallon and larger septic tanks. These tanks are stored and delivered without the cover due to the size and weight of the tank. This is a normal practice by many septic tank manufacturers. Also, Minnesota weather is very unpredictable. Temperatures can change very quickly into the negatives, especially after a late Fall rainstorm. A 1/4 inch diameter weep hole may be drilled to allow the drainage of storm water so that storm water does not freeze within the tank and cause unnoticed cracking or damage to the concrete septic tank prior to installation. Thus, protecting the watertight integrity and performance of the septic tank.

In closing, Del Zotto Companies produce and sell 90% of the septic tank forms and accessories used by Minnesota septic tank manufacturers. This includes accessories necessary to manufacture septic tanks. To include baffles, mastic sealants, PPSDs, and pipe penetration gaskets. Therefore, Del Zotto Companies have extensive knowledge and experience in manufacturing quality septic tanks, and produce and sell more septic tank forms and septic tank equipment than anyone in the United States.

William M Del Zotto
President
Del Zotto Products of MN Inc.

Chad Viland · Citizen · (Postal Code: unknown) · Dec 21, 2022 12:02 pm
0 Votes

Don't think it's ever a good idea to compromise the water tightness of any septic tank of any size. Over my years in the field I've seen tanks leaks that have no visible holes in them let alone one that has had holes put in on purpose. I don't believe you will ever know how these patched holes will ever perform especially those that have high water tables to keep out as well as liquid to keep in. Buy a small pump and pump them out before loading.

38748 Minnesota Pollution Control Agency Request for Comments

Closed Dec 22, 2022 · Discussion · 53 Participants · 1 Topics · 56 Answers · 0 Replies · 46 Votes

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Jean Christoffels · Citizen · (Postal Code: unknown) · Dec 21, 2022 2:55 pm
0 Votes

As the County Department that regulates septic installations in our County, we oppose the proposed allowance for drainage holes in what is engineered to be watertight tanks. We are in full support of the comment letter from the Minnesota Association of County Planning & Zoning Administrators (MACPZA), submitted by Brian Martinson. In addition to the comments already submitted, that we also agree with, to place the burden on the Local Government Unit (LGU) for verification that the drainage hole has been properly sealed would cause a slow-down for installers because inspections of many tank installations are typically completed after the tank has been lowered into the hole. If the LGU must inspect the tank to verify the hole has been sealed, then the installers, and the tank transporter, MUST wait for the inspector to come on site to inspect before lowering the tank. As previously noted in other comments, there are other alternatives to correct this problem, such as storing the tanks with the lids on or some other form of cover (tarp), store indoors, use a pump to remove the precipitation from the tank, etc.

Thank you for considering the comments from Murray County.

Greg Boe · Citizen · (Postal Code: unknown) · Dec 21, 2022 3:06 pm
0 Votes

As industry professionals, my staff and I are unanimously opposed to this proposed rule change. Precast concrete tanks are designed and built to be watertight. They are also intended to be long-lasting and durable. Placing a drain hole in a tank could undermine the existence of any of these conditions.

A failure of any patch of a drain hole could endanger public health and the environment by discharging untreated sewage from the tank. And the mere creation and/or existence of a drain hole could undermine the strength and integrity of the tank itself.

Tanks can (and should) be stored with covers on, or pumped out regularly, to eliminate any risks to public health that could occur by creating mosquito breeding conditions within the tanks.

We believe this proposed amendment to the rules would create increased and unnecessary risk to public health and the environment. And it certainly contradicts the requirements specified in MN Rules Chapter 7080.2010. Therefore, we are opposed to it.

-Greg Boe, Carver County Environmental Services Dept Mgr.

Sara Heger · Citizen · (Postal Code: unknown) · Dec 22, 2022 9:51 am
0 Votes

On behalf of the University of Minnesota's Onsite Sewage Treatment Program I am submitting the attached letter in opposition to the proposed rule change. Nationally, Minnesota is regarded as a state that understands and values proper septic system regulations and practices. If allowed to move forward this change would not be in line

with sound science and regulatory prudence.

Sara Heger · Citizen · (Postal Code: unknown) · Dec 22, 2022 9:55 am
0 Votes

The attached letter documents the MPCA's Advisory Committees on Subsuface Sewage Treatment Systems vote opposing the proposed rule change. The committee hopes you take this vote into serious consideration when evaluating this proposal.

Scott Robinson · Citizen · (Postal Code: unknown) · Dec 22, 2022 11:36 am
0 Votes

I would like to add my opposition to the proposed rule change. I am an industry professional (Designer, Installer, Inspector, Service Provider) and while I understand that this will make one segment of the industry's life easier, it would place an undue burden on several others. I have been involved in septic system installation since before the watertight requirement was legislated, and as such remember when drain holes were allowed in the bottom of septic tanks. While the majority of the time plug(s) were put into tanks before installation, I had an anecdotal occurrence where they were not. This was due to human error, which is a major factor in the process. Since some sort of activity needs to take place between the time I order a tank, and it is installed, it would seem that the process of covering a tank, or pumping out the contents would offer the greatest potential to ensure that the tank being installed is indeed watertight, as there would be no hole in the tank to worry about. An empty tank, be it from covering, or removing the contents would be the most assured method to satisfy that requirement. This places the human factor in a verifiable state (empty tank vs. hole-plugging verification).

TLDR: No to drainage hole proposal

Don VanKeulen · Citizen · (Postal Code: unknown) · Dec 22, 2022 11:46 am
1 Votes

The placement of a drain hole in a certified watertight tank compromises the integrity of the tank and the certification. Any hole placed in a tank cannot be properly sealed over the life of the tank (25 plus years). No compliance inspector can positively say that the tank is watertight and would be able to fail any tank that was known to have been compromised by the manufacturer. Causing great expense to the owner and warranting multiple lawsuits against the manufacturer. The simple fix is to cover the tanks after forming them and to use a PUMP to empty a tank that has water in it or invest in equipment that can handle the added load.

As a County Septic inspector confirming that a tank has been patched would be near impossible and impossible once the tank is set in a 5-15ft deep hole. Any sewage leakage would be a direct impact to out drinking water supply

This is a bad idea and will have direct consequences to public health.

38748 Minnesota Pollution Control Agency Request for Comments

Closed Dec 22, 2022 · Discussion · 53 Participants · 1 Topics · 56 Answers · 0 Replies · 46 Votes

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Robert Whitmyer · Citizen · (Postal Code: unknown) · Dec 22, 2022 1:07 pm
0 Votes

On behalf of the SSTS Product Registration Technical Advisory Panel, the attached letter is submitted in opposition to the proposed amendment of MR 7080.

Robert Whitmyer · Citizen · (Postal Code: unknown) · Dec 22, 2022 2:24 pm
0 Votes

As a practitioner in the on-site wastewater industry since 1983, I offer my opposition to the proposed amendment to MR 7080. While documentation has been provided in the comments as to the ability of plugged tank holes to instantaneously, e.g. for 0.0005% of a 20-year lifespan, prevent leakage under pressures to which a tank might be subject, it does not make sense to create a potential weak point for leakage, whether that weakness be because of product (tank material or plug defects) or human error (poorly installing or forgetting to install a plug) when there are other ways to effectively and efficiently remove the problem for which the drain holes are offered, e.g. storing tanks covered or pumping accumulated precipitation before transport.

Sara Heger · Citizen · (Postal Code: unknown) · Dec 22, 2022 2:56 pm
0 Votes

As a septic system professional in Minnesota and a researcher and instructor at the University of Minnesota I oppose this propsed rule change. Although the solution proposed to deal with rainfall in larger tanks solves one problem it in turn has the risk of creating others. This would be a step backward in our regulations in Minnesota and create new challenges for property owners, installers, inspectors and pumpers.

RECEIVED
By: OAH on 12/12/2022 at 9:44am
Brian Martinson Attachment

Minnesota Association of County Planning & Zoning Administrators

125 Charles Avenue, St. Paul, MN 55103-2108
www.macpza.org

December 8, 2022

Office of Administrative Hearings
Attn: Denise Collins, Court Administrator
600 North Robert Street,
St. Paul, Minnesota 55164-0620

RE: **Request for Comments on Possible Amendments to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, Minnesota Rules chapter 7080; Revisor's ID Number R-04773**

To Whom It May Concern:

The Minnesota Association of County Planning and Zoning Administrators (MACPZA) is an organization of county professional staff formed for professional development, promotion land use planning and to advocate for sound public policy. The work of our membership includes management of county SSTS programs. We appreciate the opportunity to offer comments and share our concerns with the proposed amendments to rules governing water quality fees.

MACPZA opposes the amendments to Minnesota Rules chapter 7080 referred to as the Drainage Hole SSTS rule. As the regulatory governmental entity responsible for SSTS administration, Counties are directly affected by the proposal and oppose the proposal for the following reasons:

1. The purpose and intent of water-tight, pre-cast tanks are to prevent untreated sewage from entering the groundwater and surface water.
2. The proposal undermines the process of tank certification.
3. Counties have been working for decades to eliminate inadequate tanks that do not protect groundwater and surface water. Intentionally placing a hole in a tank compromises tank integrity.
4. Intentionally placing a drainage hole in a new pre-cast tank, only to support a manufacturers ease of storage does not meet the purpose and intent of Minnesota Rules chapter 7080 and MN Statute 115.55.
5. There is no research or data on the lasting integrity of repairs.
6. The liability and responsibly lies with counties and installers to ensure the repairs are made properly.
7. To be compliant with OSHA rules to enter the tank or tank hole to ensure compliance, places an extra burden on LGU for training, equipment, and puts lives at risk if anything goes wrong.
8. OSHA rules would not allow county inspectors to enter the tank or tank hole to ensure repairs are made.
9. We understand this to be a one manufacturer issue, in one area of the state.
10. Manufacturers could look to other alternatives such as tarps or on-lid storage to prevent precipitation from entering the tank, pumps to remove water before transport, or investing in heavier equipment to move the tanks with lids on.

11. Additional physical inspection of the tank would be required in a program that is already grossly underfunded.
12. Part of the State has fractured bedrock – which if failure of the plug or tank occurs put the groundwater and drinking water at high risk for contamination.
13. Implementing a change such as this also needs to be counterbalanced by additional compliance review, another 7080 rule change, putting more burden on the licensed inspector to verify the tank and it's "hole-patch" is not leaking. Compliance inspections are prompted by various events occurring. If those events do not occur – it can be years of sewage leaking into the ground/ground water before the leak is actually discovered. Allowing untreated sewage to leak into the ground does not protect the water quality or public health.

Thank you for consideration of these thoughts on the potential rulemaking.

Sincerely,

Angie Lipelt
MACPZA President

Garry Johanson
MACPZA Vice President

RECEIVED
By: OAH on 12/13/2022 at 1:07pm
Angela Lipelt Attachment

MOWER COUNTY
Board of Commissioners
201 1st Street NE, Suite 9, Austin, Minnesota 55912
Phone: 507-437-9549 Fax: 507-437-9458

December 13, 2022

Office of Administrative Hearings
Attn: Denise Collins, Court Administrator
600 North Robert Street,
St. Paul, Minnesota 55164-0620

RE: **Request for Comments on Possible Amendments to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, Minnesota Rules chapter 7080; Revisor's ID Number R-04773**

To Whom It May Concern:

Mower County Board of Commissioner's **does not** support the possibility of MN Rule 7080 changes which would allow drainage holes below the septic tank operating level. Our county's current ordinance and septic program would need modification to adjust to such proposed changes. Ordinance and policy changes cost money. In addition, inspecting and monitoring costs related to these weep holes would be passed onto unsuspecting landowners. We are concerned about the possible liability the county would incur if having to verify or inspect the holes to make sure they were property sealed and remain in good condition throughout the life of a tank. The work of our staff includes management of county SSTS program, and they have informed us of their concerns, and we agree. We appreciate the opportunity to offer comments and share our concerns with the proposed amendments to rules governing septic tanks.

Again, Mower County opposes proposed amendments to Minnesota Rules chapter 7080 referred to as the Drainage Hole SSTS rule. As the regulatory governmental entity responsible for SSTS administration, Counties are directly impacted by such proposal and oppose it for the following reasons:

1. The purpose and intent of water-tight, pre-cast tanks are to prevent untreated sewage from entering the groundwater and surface water.
2. The proposal undermines the process of tank certification, already in place statewide.
3. Counties have been working for decades to eliminate inadequate tanks that do not protect groundwater and surface water. Intentionally placing a hole in an engineered and certified septic tank compromises the tank's integrity.
4. Intentionally placing a drainage hole in a new pre-cast tank, only to support a manufacturers simplicity for storage does not meet the purpose and intent of Minnesota Rules chapter 7080 and MN Statute 115.55.
5. There is no research or data on the lasting integrity of septic tank repairs.
6. The liability and responsibly lies with counties and installers to ensure the repairs from these intentionally placed holes are properly completed and lasting throughout the life of a tank, which generally is 30 years or more.
7. Often the tank is set in the ground prior to county staff being present onsite. To inspect the tank after being set in the ground would require entrance into a confined space.

OSHA rules require special training and compliance with their rules when entering a confined space. Oftentimes our staff would have to enter a tank to ensure watertightness of the tank repair. This places an extra burden on LGU for training, equipment, and puts staff lives at risk if anything goes wrong.

8. Our county has one inspector. We complete around 125 septic installations a year and have multiple tank manufactures which could be at multiple locations throughout the county. We cannot be everywhere at once and would have to hold up contractors from their work for off-loading of the tanks by the manufacturer and installation crews from installing and covering the tank and completing the other phases of the septic system. This is a loss for everyone involved; time is money. You would be slowing progress in an industry that is in need of more contractors.
9. We understand this to be a one manufacturer's issue, in one particular area of the state. This manufacturer could look to other alternatives such as tarps or on-lid storage to prevent precipitation from entering the tank, pumps to remove water before transport, or investing in heavier equipment to move the tanks with lids on.
10. Additional physical inspection of the tank would be required in a program that is already grossly state underfunded and has not seen increases for decades.
11. Parts of the State have fractured bedrock (Karst) – which if failure of the tank repair puts the groundwater and drinking water at considerable risk for fecal coliform bacteria contamination. Untreated, raw, sewage can cause a multitude of illnesses and in extreme cases can cause death.
12. Implementing a change such as this would need to be counter-balanced by extra in-use compliance review, which in-turn, would add another 7080-rule change, putting more burden on the licensed inspector to verify the tank and it's "hole-patch" to assess that it is not leaking. Compliance inspections are prompted when various events occur. If those events do not occur – it can be years of sewage leaking into the ground/ground water before the leak is discovered. Allowing untreated sewage to leak into the ground does not protect the water quality or public health.
13. For these above reasons, it would seem that by allowing weep hole(s) to be placed in and engineered, watertight structures to allow for drainage of rain and snowmelt at the convenience of tank manufactures, seems to run counter-intuitive to the goals and policies of the clean water that are currently in place for the State of Minnesota. If there are other resolves that can address the water entrapment issue, those need to be explored before a rule change can be expected.

Thank you for consideration of these thoughts on the potential rulemaking.

Sincerely,

Jeff Baldus

Jeff Baldus, Mower County Board Chair on behalf of
Mower County Board of Commissioners

RECEIVED
By: OAH on 12/15/2022 at 1:28pm
Becky Buchholz Attachment

Cottonwood County
Planning & Zoning/Environmental Office

210 10th Street
Windom, MN 56101

Phone: 507-832-8287

December 15, 2022

Office of Administrative Hearings
Attn: Denise Collins, Court Administrator
600 North Robert St
St. Paul, MN 55164

To whom it may concern,

I oppose the proposed rule changes to 7080.1990 subp 1, item C and 7080.2010, subp 3 allowing drainage holes to be installed in new tanks for precipitation events below the tank's operating depth.

I oppose the proposed rule changes for the following reasons:

1. Allowing for such drainage holes to be utilized instills another factor of potential premature failure for a septic system component. Every tank would need to be resealed in said drainage holes and adds greater potential of human error while patching holes that may lead to sewage leakage. The fewer processes needed to make a tank watertight, the lower the potential for failure.
2. Currently 7080.2010, subp 3 only requires tank manufacturers 1 tank per year per model to be tested. I see this current part of the rule as practical as is, theoretically if every tank is manufactured the same then they should all be watertight regardless of how many are tested. If the proposed rule changes are amended, how can we ensure every tank that had a drainage hole drilled and patched will meet such watertightness requirements when only 1 of them is tested per model per year, there is too much deviation in quality that could happen. I propose back that if drain holes are allowed then every single tank should be required to be tested for watertightness that is sold and installed by the tank manufacturer with the applicable testing materials submitted to the installer by that tank manufacturer.
3. There are other storage techniques that could be employed by tank manufacturers to remove precipitation including: tarps/covers, leaving manhole lids on top of tanks, and pumping out precipitation prior to transport.
4. There is a lack of long-term research data on the integrity of such tanks with drainage holes repaired over time. We have experience with and inspections of existing tanks without drainage holes that have proven integrity and watertightness.
5. Such drainage holes undermine MN Statute 115.55 and 7080 to protect human health and safety by adding another element of potential failure for leaking below a tank's operating depth.

6. Regarding the inspection program, potential initial installation of said tanks with drainage holes could have every single tank tested for watertightness after the drainage hole is plugged and have a testing sheet available with every tank to prove that individual tank meets requirements. Regarding future existing inspections, how is it possible to inspect that drainage hole for leakage? To truly know, I would think you would have to get either a visual on said hole plug with enough detail to verify watertightness or you would need to complete a watertightness test on said tank with every existing compliance inspection, which would increase the cost of inspections required by 7080, 115.55 and county ordinances by septic professionals.

Thank you for your consideration of these thoughts on the potential rulemaking amendments.

Sincerely,

Becky Buchholz

County SSTS Inspector
Cottonwood County
210 10th St
Windom, MN 56101

Phone: 507-832-8287
becky.buchholz@co.cottonwood.mn.us

http://www.cottonwoodswcd.org

RECEIVED
By: OAH on 12/19/2022 at 3:08pm
Peter Mattson Attachment

Comments from Austin Audubon Society Board of Directors
Regarding: OAH Docket No. 23-9003-38748 Proposal to allow drainage holes in septic tanks

As an organization focused on protecting the environment, we at Austin Audubon oppose this change in regulations.

1) Precipitation management: Since people have been making septic tanks without drainage holes for many decades now, there are clearly other ways to deal with precipitation. Some possibilities are a) put the lid on the tank for storage; b) store the tank on its side or upside down; c) make a reusable cover out of a material like plywood or fiberglass to keep the water out. If a manufacture chooses to allow precipitation to fill an empty tank, there are obvious ways to solve the problem without making a leak. Like pumping.
2) Likelihood of a patched drain hole surviving for the 50-plus year life of a concrete tank: The burden of proof is on the manufacturer who wants this rule change, but they want to compromise the integrity of the vessel before it's placed in service. Will their patch survive 50+ years in warm/frozen dry/saturated soil? Can they prove it? What are the odds that they'll be around in a few years when their patches start to fail?
3) Potential costs of drainage holes for precipitation management vs. other techniques: As far as up-front costs go, there's not much that's cheaper than drilling a hole and sticking some kind of patch in there. That's why the manufacturer wants the rule change. But consider the overall cost when the tank fails early—damages to surface and ground waters, costs of replacement, etc. Again the manufacturer has the advantage. The SSTS owner will be the one who pays for the consequences of failure. The manufacturer will probably be long gone by then.
4) Disproportionate effects on low-income, indigenous, and communities of color: SSTS is a major cost of dwelling ownership for all populations, but is naturally more significant for those with lower incomes. When a tank fails years ahead of its expected life, they'll be the ones who will have to deal with it.

Please let the current regulation stand.

RECEIVED
By: OAH on 12/20/2022 at 11:03an
Megan Thompson Attachment

Lake of the Woods County
Land and Water Planning Office

206 8th Ave SE, Suite #290
Baudette, MN 56623
Phone: 218-634-4544
Megan_t@co.lotw.mn.us
http://www.co.lake-of-the-woods.mn.us

December 20, 2022

Office of Administrative Hearings
Attn: Denise Collins, Court Administrator
600 North Robert St
St Paul MN 55164

Re: **Request for Comments on Possible Amendments to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, Minnesota Rules chapter 7080; Revisor's ID Number R-04773**

LGU Inspectors from Lake of the Woods County Land and Water Planning Office oppose this proposed rule change for the following reasons and have further questions that we feel the rule makers need to provide answers to:

- This proposed rule defeats the purpose of trying to institute solid water-tight tanks. There are several provisions in Minnesota Rules Chapter 7080 that explicitly define a septic tank as being watertight for all components and connections (building sewer, manholes…etc.). By allowing the tank integrity to be reduced prior to ever being installed are we setting industry professional installers and new septic system homeowners up for success with their new system?
- Minnesota Rules Chapter 7080.2010 Tank Assessment Subpart 2 requires a structural integrity design test for all poured in place tanks. This integrity test would need to be adapted based on the change, and data ensuring the quality and watertightness of the tank can be restored once the repair has been made. Have any engineers been advised or provided input as to how this change will affect this process?
- Minnesota Rules Chapter 7080.1980 Tank Construction specifically mentions the National Precast Concrete Association's best practices manual, incorporated by reference. This manual has the following specifications which may apply:
    - Section 1.6.2 Storage Precast concrete units shall be stored in a manner that will minimize potential damages. In the opinion of this office storage of the tanks away from the precipitation or covered as to not allow the water to accumulate falls under this provision.
    - Section 2.3.4.6.1 Repairing Minor Defects: defects that will not impair the functional use or expected life of a precast concrete unit. This office's opinion

is that a hole in a septic tank as designed, that is supposed to be watertight would be impair the product. This would make the defect a Major Defect.

- Section 2.3.4.6.3 Repairing Major Defects: Defects in precast concrete products which impair the functional use or the expected life of products shall be evaluated by qualified personnel to determine if repairs are feasible and, if so, to establish the repair procedure. Again, this office questions if qualified professional guidance has been sought in regards to this change and if so what evidence or data may they supply?
- Section 3.1.3 Watertightness: Where watertightness is a necessary performance characteristic of the precast concrete unit's end use, watertight joints, pipe-entry connectors and inserts should be used to ensure the integrity of the entire system. There are two allowable testing types to determine watertightness under this manual, which must be completed prior to backfilling to verify the integrity of the product. This is an extremely important step in determining the compliance of an existing or a new septic tank. Failure to maintain compliance in the long run for these newly drilled tanks could lead to costly homeowner repairs, septic system professionals and industry frustration, not to mention the impact on our groundwater resource, a source of nearly all drinking water in our county.

- Minnesota Rules Chapter 7080.1990 Subpart 1. Precast reinforced concrete tanks must: Item C. have no pipe penetration points or openings in the exterior walls or tank bottom below the tank liquid level. This proposed rule would change this language which this office would argue was developed and implemented in Minnesota Rules for a specific purpose.
- Lastly, the purpose behind the proposed rule change request appears to be a function of convenience and not in advancing functionality, efficiency, quality or quantity of the product.

Thank you,

Megan Thompson

Megan Thompson
Environmental Specialist

RECEIVED
By: OAH on 12/20/2022 12:18pm
Sheila Reem Attachment

As a septic inspector, I am against the proposed rule change.

Allowing manufacturers to drill a hole in the bottom of a sewage tank destroys the watertightness of the tank that is necessary to keep the sewage in the tank. During the process of drilling a weep hole in a concrete tank, hairline cracks could form from the vibration of the drilling process making the tank unsafe and could possibly cause tank collapse after it is placed in the ground. The integrity of the tank would be jeopardized in its entirety.

Having a weep hole in the tank that is plugged on-site later may shorten the life of the tank as well. Different materials expand and contract differently in the environment, so the plug that is used to seal the weep hole could fail with the weather changes the first year it is installed, costing the homeowner money. The plug could also expand and contract differently than the tank causing sewage to be released into the ground. The plug, depending on the material used and its strength, could damage the cement tank walls during expansion and contracting conditions. Any of these possibilities would cost the landowner money.

Additional training would be needed by everyone in the septic field for proper weep hole plug installation, testing for watertightness at install, and inspection of the weep hole plug during construction. Work would have to stop, even if the tank delivery is there and ready, until the inspector could get to the site for inspections. Inspectors would possibly need confined space certification in order to enter a tank to inspect the weep hole plug either at install or for compliance later. Construction would take longer simply because the weep holes would need to be sealed properly before install and the tank could not be placed until it was inspected, making everyone's day longer. The tank delivery would be held up also because they could not set the tank until everything was done with the weep hole and everyone involved with that particular install was satisfied with the results. That would hold up 2 companies work and LGU (or private) inspectors' day. The inspector would have to be on site to inspect the weep hole plug before the tank was set, then wait on site until the tank was placed in its permanent location to inspect that also. Scheduling would be a nightmare! Maintainers and service providers would need additional training on how to inspect and maintain the weep hole plugs later. In field testing of some sort would have to be required during installation and throughout the life of the tank.

During compliance inspections, how would inspectors inspect the weep hole plug? Inspectors would almost have to dig up the tank to check both sides of the tank wall and both ends of the plug to ensure there is not any failure of the plug or of the tank integrity. If every tank will have to be dug up to inspect both sides of the plug and the compromised wall of the tanks, landowners will not have compliance inspections done. The cost to the landowner would be astronomical for an inspection. We already have a hard time getting some people to have their septic system inspected due to the current cost, can you imagine if the cost of digging up all tanks was also added. After the tanks would be dug up, inspected, and reburied (if that's what it would take to inspect the plug), the landowner would also have the cost of landscaping/sod replacement and have to worry about the ground settling after the inspection was completed, which would cost more money. Then if the plug is leaking on a 5 year old tank, the entire tank would have to be replaced. If the landowner got a septic loan through a county program or a bank, they, more than likely, would still be paying on the system that failed and then would have to find a way to pay for another tank(s) that failed.

Some tanks go years without being pumped or inspected, some have gone over 20 or more years without being pumped or inspected because a "trigger" never prompted an inspection, the system never failed or backed up, and the landowner didn't know any better. If that were the case on a tank with a compromised wall or leaking weep hole plug, sewage would be getting released into the ground for years before it is found to be leaking. The results could be catastrophic to the ground water and/or aquifers near the leaking tank.

Looking at changing this one rule is not really that simple. Many local governmental units would also have to go through ordinance revisions because the ordinance is based on MN Rule 7080-7083. Ordinance revisions are time consuming and can be costly due to the hours spent on them and attorney's fees to make sure everything is correct and upholdable in court in case of future prosecution.

The field of septic work is already a struggling industry. Changing the rule to add drainage holes in sewage tanks below the operating depth and adding the training necessary to the cost per professional, will cause existing contractors to

rethink if they want to continue working with septic systems and will have less contractors joining the septic construction field of work. I've already been hearing of contractors wanting to and also quitting septic work due to training and continuing ed costs and locations of those trainings being too far and requiring hotel stays for days and up to a week at a time. People all around are struggling to pay for already inflated costs to live everywhere you go, this is not the time to add costs to landowners and professionals. Not only that, but adding drainage holes to sewage tanks seems to be moving backwards to the time of leach tanks and straight pipes because when that plug fails, that is what the landowner will have, they will have a leach tank instead of a watertight tank.

What happens when a contractor is in a time crunch or gets distracted and misses a step in the plugging process and no one catches it? Then the contractor, inadvertently installs a leaky tank. What happens when someone tries to cut corners? The landowner takes on the financial burden of all of those situations. Proving fault during installation is a difficult process, especially when most landowners are not familiar with septic construction, meaning all costs of faulty work or missed steps fall on the landowner.

This proposal also seems like it is working towards polluting groundwater instead of protecting ground water. Let's face it, the more pieces and parts there are in a system, the greater the chance of failure of that system, the greater the risk of polluting the environment.

A better option than changing the rule to what the manufacturer(s) want for their storage needs, is to train the manufacturer on why drilling drainage holes in sewage storage tanks is a bad idea all the way around and it would make more sense for the manufacturer to store the tanks with the lids, manhole covers, and inspection pipes plugged to avoid water/snow from getting in the tanks. Or to pump the tank(s) out before delivery. Or, like others have said, shrink wrap the tanks. Tarp the tanks. There are a multitude of storage options for the manufacturer(s) that would cost the industry less time and money than changing the rule would cost.

Another thing is, say they test the "plugs" for normal sewage and say, "yeah, these plugs will never fail." (Untrue, there's always failure). But what happens when the landowner is on chemotherapy or other medications that were not tested because they only tested "normal" sewage? Now the unused but digested medications in the sewage "eat away" at the plugs and they entirely fail? That creates a whole other problem with the drainage holes and the environment and put all that unused medications into the ground and the groundwater for who knows how long because most tanks only get pumped when a problem exists or there is a trigger for an inspection.

Lastly, the main thing to think about here is this:

No matter who or why this rule change was proposed, the cost of the change now and in the future all falls on the landowner. Why should the landowner have to pay extra money for a bad storage solution of a manufacturer in an already struggling industry (both construction and compliance wise) when the manufacturer could go to Harbor Freight and buy a bunch of $3-$15 tarps to solve their storage problems? Simply put, manufacturer cost of tarps could equal possibly $50,000 (that buys a lot of tarps, just saying) vs rule change, ordinance revisions, additional trainings, additional equipment, longer hours, etc. by the entire industry costing probably in the millions, possibly more, all falling on the landowner is one way or another.

RECEIVED
By: OAH on 12/20/2022 3:47pm
William Del Zotto Attachment

MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

SSTS application for sewage tank listing

Subsurface Sewage Treatment Systems (SSTS) Program

Doc Type: Permit Application

General requirements for submittal

All submitted material (written responses and other materials) must be legible, typed, or printed. Handwritten responses to the application questions or handwritten notes or other submitted documentation may, at the discretion of the department, result in rejection of the application.

Please submit to: Corey Hower
Minnesota Pollution Control Agency
7381 Airport View Dr SW
Rochester, MN 55902

MPCA Use Only	
Review complete:	
Choose: [ ] Tank listed:	Date
[ ] Comment sent:	Date
	Date

Applicant information

Manufacturer's name: Del Zotto Products of Minnsota Inc. Date of application: 10/19/2021

Address: 1900 Co Rd 1

City: Wrenshall State: MN Zip code: 55797

Contact name: Troy Del Zotto

Contact address:
(if different from Manufacturer's)

Address:

City: State: Zip code:

Telephone number: 218-384-3066 Fax number: 218-384-3087

Email address: T.delzotto@delzottolink.com Website (homepage): www.delzottoprecastforms.com

Listing requirements

Manufacturers desiring to sell a sewage tank for use in Minnesota may request and obtain department review of requirements outlined in Minn. R. chs. 7080.1900 through 7080.2010, and thus be included on a list available to the general public.

Additional submittal requirements

a. Related technical information, including schematics, characteristics; baffle dimensions, dimensioned drawings, and photos, etc.
b. Siting and installation requirements, specifically including maximum recommended burial depth.
c. Maintenance requirements, including recommended service schedule for all components.
d. A signed and dated certification from a licensed professional engineer that the structural integrity of the tank (specify model(s)) is verified to determine the horizontal and vertical loads that the tank can withstand when empty, as stated in Minn. R. ch. 7080.2010. Included in the submittal should be strength calculations, testing results, etc. This should include the statement, "I certify that I represent (*Manufacturer's Name*), and that I am authorized to certify structural integrity for the tank(s) presented in this application. I attest, under penalty of law, that information is true, accurate, and complete."
e. Certification by an agent of the manufacturer that adequate watertight testing has been completed per the requirements in Minn. R. ch. 7080.2010. Copies of relative testing results should be submitted. These also shall be maintained by the manufacturer for three years and must be available to the commissioner and local units of government if requested.
f. Certification that each tank model meets all requirements of Minn. R. chs. 7080.1900 – 7080.2020 (see checklist for each model).

Annual submittal requirements

At least one sewage tank per year, per model, must be tested for watertightness, as stated in Minn. R. ch. 7080.2010. Manufacturers desiring to continue tank listing must submit appropriate watertight testing data by December 31, each year to remain on the list.

For more information

For more information or additional copies contact Corey Hower of the Minnesota Pollution Control Agency at the address above or by calling 507-206-2603 or 1-800-657-3864.

Tank information (complete one for each tank model submitted)

Model: DZ-2500-__-WZ

Tank description

Liquid capacity: 2622 Gallons per compartment

Tank material:

- ☒ Concrete
- ☐ Fiberglass-reinforced polyester
- ☐ Polyethylene
- ☐ Other: _____

Tank use: (check all that apply)

Single compartment	Multiple compartments	
☒ Septic	☒ Septic/Septic	☒ Septic/Pump
☒ Pump	☒ Pump/Pump	☒ Septic/Holding
☒ Holding	☒ Holding/Holding	☒ Privy/Privy
☒ Privy	☐ Other:	

Maximum burial depth: 7ft

Certification

I certify that all other Minn. R. ch. 7080 requirements are met, including:

- ☒ Allowable liquid depth (Minn. R. ch 7080.1920 subp, A)
- ☒ Minimum of six feet between inlet and outlet (Minn. R. ch 7080.1920 subp, B)
- ☒ Inlet at least two inches higher than outlet (Minn. R. ch 7080.1920 subp, D)

Baffle height above liquid surface must meet one of the following: (Minn. R. ch 7080.1920 subp, E)

- ☐ Not less than 6 inches or 100 gallons, whichever is greater, for all liquid depths with an effluent screen and alarm or for liquid depths less than 39 inches without an effluent screen and alarm.
- ☒ At least eight inches for liquid depths of 39 inches or more without an effluent screen and alarm.

- ☒ Compartmented tanks (Minn. R. ch. 7080.1950):
  - If septic tanks are compartmentalized, the first compartment must be equal to or larger than the rest of the tanks
  - Has adequate venting
  - Compartment walls can withstand weight of effluent against an empty compartment
- ☒ Baffles do or can (when installed) meet the sizing and placement of (Minn. R. ch. 7080.1960 D., E., F., and G.)
- ☒ Access requirements (Minn. R. ch. 7080.1970)
- ☒ Construction requirements (Minn. R. ch. 7080.1980)
- ☒ Have a method to lift tank for an ultimate load that is four times the working load (Minn. R. ch. 7080.1990 subp. 1, A)
- ☒ Tanks will undergo proper curing (verified by concrete test results) (Minn. R. ch. 7080.1990 subp. 1, B)
- ☒ No penetration points or openings in the exterior walls or tank bottom below the tank liquid level (bottom of outlet). (Minn. R. ch 7080.1990, subp 1, C).
- ☒ Sewage tanks will be clearly marked (Minn. R. ch. 7080.2020)

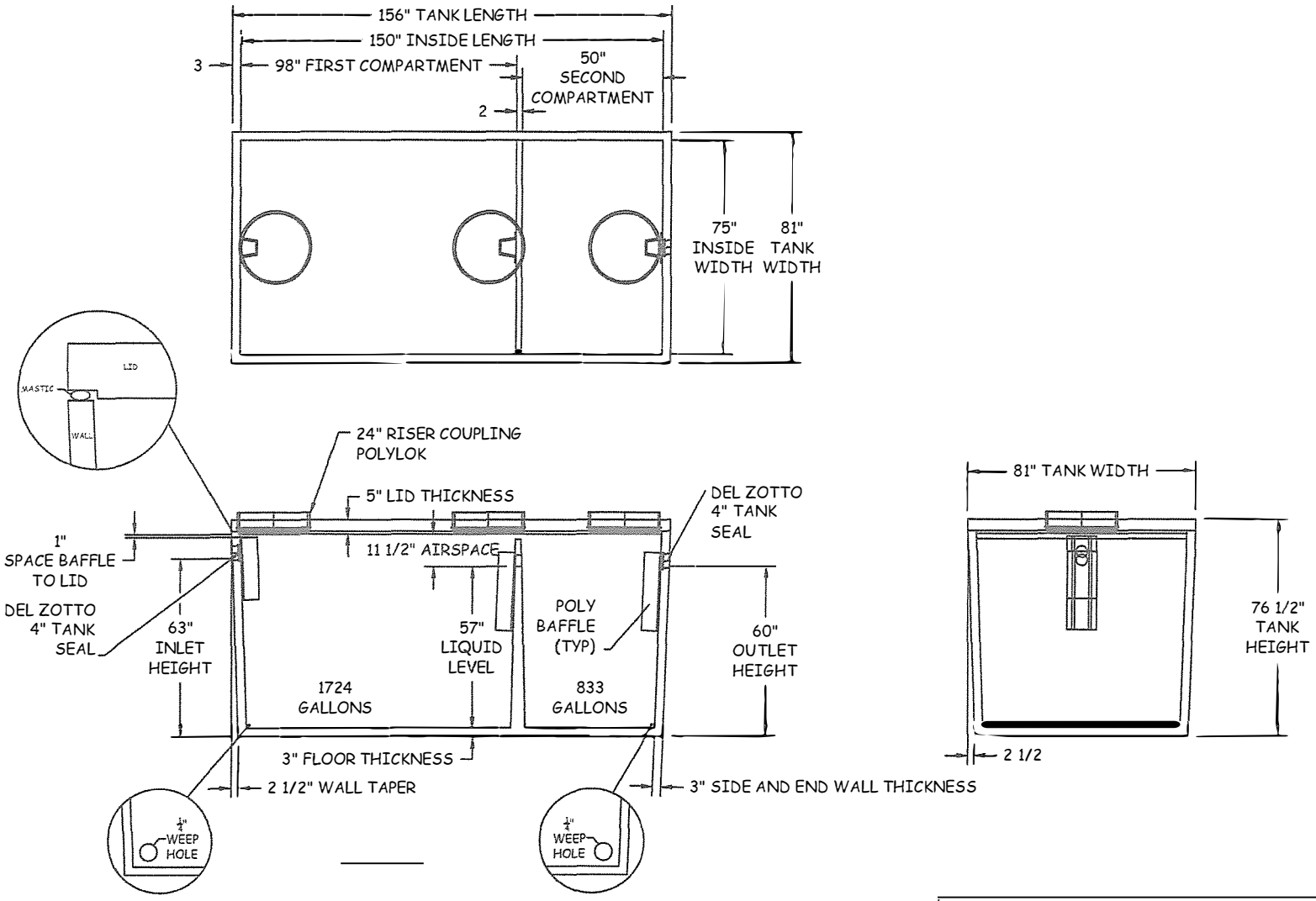
I certify that adequate watertight testing has been completed per the requirements in Minn. R. ch. 7080.2010.

I certify that structural integrity of the tank has been verified in accordance with Minn. R. ch. 7080.2010. (Also include Registered Engineer's certification if completed.)

Print name: Troy Del Zotto Title: Management

Signature: Troy Del Zotto Date: 10/21/2021

(Please conserve paper by printing double-sided copies.)



SHOWN AS A DZ-2500 C -S/S -S/P

Del Zotto Products of Minnesota
1900 County Road #1, Wrenshall, MN 55797 218-384-3068 Fax 218-384-3088

DRAWING DESCRIPTION: DZ-2500 C -S/S -S/P Septic Tank

SIZE	DRN BY	REV
A	DLS	E

File Name	SCALE	DATE	SHEET
Q2DZ2500CSSSPCADD	1:48	08/27/21	1 OF 1

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCE ON DECIMALS±.005
FRACTIONS±1/16
MILLIMENTERS±1/16
ANGLES±1/2°
REMOVE ALL BURRS AND BREAK ALL SHARP EDGES

Del Zotto Products of Minnesota, Inc.

VACUUM TEST REPORT

Test date: 10/11/2021

Model DZ-2500- ** -WZ

Note: The DZ-2500 MOLD is used to make all the 2500-gallon tank variants

- DZ-2500-H_____Holding Tank
- DZ-2500-P_____Pump Housing
- DZ-2500-S_____Septic Single Compartment
- DZ-2500-C-S/P____Septic Dual Compartment (Septic tank / Pump housing)
- DZ-2500-C-S/S____Septic Dual Compartment (Septic tank / Septic tank)

DZ-2500-_____- WZ The "WZ" or "WinteriZation" added to end of the tank's model number indicates that the tank has additional drainage holes for that model.

Tank Description: A 2500-gallon tank with two 24" Manhole openings in the cover. The Tank has one Inlet opening and one outlet opening on opposing sidewalls. The tank has two ¼ inch drainage holes located 4.5 inches up and 4.5 inches in from that bottom and side. These are sealed with Mastic DZ-102B and a chemically resistant PPSD (Permanent Positive Seal Device). The tank has a top seam, and cover slab interlocking with the walls. Join sealant applied in the seams is Mastic DZ-102B.

Structural test:

Maximum pressure tested: 4.0+ Hg.

Permanent Positive Seal, tested by Arrowhead Product Development Inc. Gary Werkhoven, Registered professional engineer under the law of start of min. Reg. No; 24662, Refer to test results report MPCA submitted on 9/3/21

Vacuum was held at 2.8 0 Hg for 1 hour (12 times longer than the required 5 minutes) with no loss of air in the tank. Tank was inspected there were no Signs of cracking.

Witnessed By: Troy Del Zotto

Signed Troy Del Zotto Date: 10/21/2021

Tests by: Dan Chapinski

Signed _____ Date: 10/21/21

Manufacturer	Location
Del Zotto Products of Minnesota, Inc.	Wrenshall, MN

MPCA Septic Tank Quality Requirement - Annual Watertesting

Tank Model:	DZ-2500 -__-WZ	Date:	10/15/2021

Water Fill			
Time: 10:00 AM	Date: 10/14/21	Depth: 1/4"	Init:

24 Hr Inspection			
Time: 10:00 AM	Date: 10/15/21	Depth: 2 7/8th"	Init:

1 Hour Test Refill			
Time: 12:53 PM	Date: 10/15/21	Depth: 2 7/8th"	Init:

1 Hr Inspection			
Time: 1:26 PM	Date: 10/15/21	Depth: 2 7/8th"	Init:

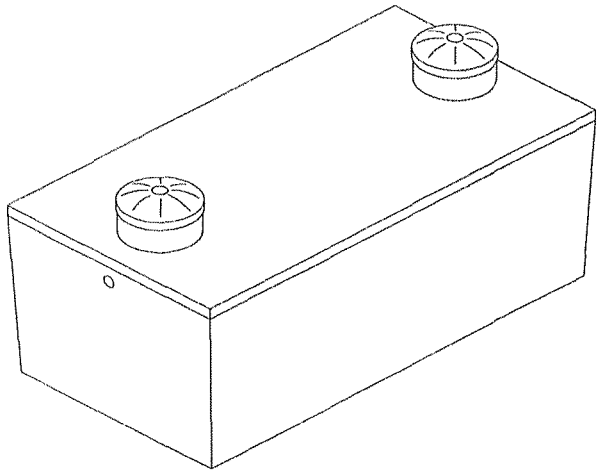
Passed: [X] Failed: [ ]

Tested by: Dan Chapinski

Witnessed By: Troy Del Zotto

NOTES:

No Leakage



Manufacturer		Location			
Del Zotto Products of MN Inc.		Wrenshall, MN			
Tank Size	DZ-2500-__-WZ	Total Vacuum	4.+	Test Load Weight	300 lbs
Date of Test	10/16/2021	Qualified Burial Depth	7 Ft	Pass Y/N	Y

Del Zotto Septic Tank Vacuum / Load Testing

Time	Vacuum	Additional Test Load	Burial Depth
1:20	4.+	300 Lbs	7ft
1:25	2.8	300 Lbs	7ft
1:30	2.8	300 Lbs	7ft
2:00	2.8	300 Lbs	7ft
2:25	2.8	300 Lbs	7ft

Tested by: Dan Chapinski

Witnessed By: Troy Del Zotto

NOTES:
Vacuum is held for 60 Minutes(12 times longer than the required 5 minutes) tank was inspected. Any irregularities will be noted here.

MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

SSTS application for sewage tank listing

Subsurface Sewage Treatment Systems (SSTS) Program

Doc Type: Permit Application

General requirements for submittal

All submitted material (written responses and other materials) must be legible, typed, or printed. Handwritten responses to the application questions or handwritten notes or other submitted documentation may, at the discretion of the department, result in rejection of the application.

Please submit to: Corey Hower
Minnesota Pollution Control Agency
7381 Airport View Dr SW
Rochester, MN 55902

MPCA Use Only	
Review complete:	
Choose:	Date
[ ] Tank listed:	
[ ] Comment sent:	Date
	Date

Applicant information

Manufacturer's name: Del Zotto Products of Minnesota Date of application: 9/8/2021

Address: 1900 County Rd 1

City: Wrenshall State: MN Zip code: 55797

Contact name: David Christian

Contact address:
(if different from Manufacturer's)

Address:

City: State: Zip code:

Telephone number: 218-384-3066 Fax number: 218-384-3087

Email address: Dchristian@delzottolink.com Website (homepage): www.delzottoprecastforms.com

Listing requirements

Manufacturers desiring to sell a sewage tank for use in Minnesota may request and obtain department review of requirements outlined in Minn. R. chs. 7080.1900 through 7080.2010, and thus be included on a list available to the general public.

Additional submittal requirements

a. Related technical information, including schematics, characteristics; baffle dimensions, dimensioned drawings, and photos, etc.
b. Siting and installation requirements, specifically including maximum recommended burial depth.
c. Maintenance requirements, including recommended service schedule for all components.
d. A signed and dated certification from a licensed professional engineer that the structural integrity of the tank (specify model(s)) is verified to determine the horizontal and vertical loads that the tank can withstand when empty, as stated in Minn. R. ch. 7080.2010. Included in the submittal should be strength calculations, testing results, etc. This should include the statement, "I certify that I represent (*Manufacturer's Name*), and that I am authorized to certify structural integrity for the tank(s) presented in this application. I attest, under penalty of law, that information is true, accurate, and complete."
e. Certification by an agent of the manufacturer that adequate watertight testing has been completed per the requirements in Minn. R. ch. 7080.2010. Copies of relative testing results should be submitted. These also shall be maintained by the manufacturer for three years and must be available to the commissioner and local units of government if requested.
f. Certification that each tank model meets all requirements of Minn. R. chs. 7080.1900 – 7080.2020 (see checklist for each model).

Annual submittal requirements

At least one sewage tank per year, per model, must be tested for watertightness, as stated in Minn. R. ch. 7080.2010. Manufacturers desiring to continue tank listing must submit appropriate watertight testing data by December 31, each year to remain on the list.

For more information

For more information or additional copies contact Corey Hower of the Minnesota Pollution Control Agency at the address above or by calling 507-206-2603 or 1-800-657-3864.

Tank information (complete one for each tank model submitted)

Model: DZ-2500-S WZ

Tank description

Liquid capacity: 2622 Gallons per compartment

Tank material:

- ☒ Concrete
- ☐ Fiberglass-reinforced polyester
- ☐ Polyethylene
- ☐ Other:

Tank use: (check all that apply)

Single compartment	Multiple compartments	
☒ Septic	☐ Septic/Septic	☐ Septic/Pump
☐ Pump	☐ Pump/Pump	☐ Septic/Holding
☐ Holding	☐ Holding/Holding	☐ Privy/Privy
☐ Privy	☐ Other:	

Maximum burial depth: 7 foot

Certification

I certify that all other Minn. R. ch. 7080 requirements are met, including:

- ☒ Allowable liquid depth (Minn. R. ch 7080.1920 subp, A)
- ☒ Minimum of six feet between inlet and outlet (Minn. R. ch 7080.1920 subp, B)
- ☒ Inlet at least two inches higher than outlet (Minn. R. ch 7080.1920 subp, D)

Baffle height above liquid surface must meet one of the following: (Minn. R. ch 7080.1920 subp, E)

- ☒ Not less than 6 inches or 100 gallons, whichever is greater, for all liquid depths with an effluent screen and alarm or for liquid depths less than 39 inches without an effluent screen and alarm.
- ☒ At least eight inches for liquid depths of 39 inches or more without an effluent screen and alarm.

☐ Compartmented tanks (Minn. R. ch. 7080.1950):

- If septic tanks are compartmentalized, the first compartment must be equal to or larger than the rest of the tanks
- Has adequate venting
- Compartment walls can withstand weight of effluent against an empty compartment

- ☒ Baffles do or can (when installed) meet the sizing and placement of (Minn. R. ch. 7080.1960 D., E., F., and G.)
- ☒ Access requirements (Minn. R. ch. 7080.1970)
- ☒ Construction requirements (Minn. R. ch. 7080.1980)
- ☒ Have a method to lift tank for an ultimate load that is four times the working load (Minn. R. ch. 7080.1990 subp. 1, A)
- ☒ Tanks will undergo proper curing (verified by concrete test results) (Minn. R. ch. 7080.1990 subp. 1, B)
- ☒ No penetration points or openings in the exterior walls or tank bottom below the tank liquid level (bottom of outlet). (Minn. R. ch 7080.1990, subp 1, C).
- ☒ Sewage tanks will be clearly marked (Minn. R. ch. 7080.2020)

I certify that adequate watertight testing has been completed per the requirements in Minn. R. ch. 7080.2010.

I certify that structural integrity of the tank has been verified in accordance with Minn. R. ch. 7080.2010. (Also include Registered Engineer's certification if completed.)

Print name: David Christian Title: Purchasing

Signature: David D Christian Date: 9/9/2021

(Please conserve paper by printing double-sided copies.)

Del Zotto Products of Minnesota, Inc.

Vacuum & Watertight Tests

Date: 9/9/2021

Model: DZ-2500-S-WZ

NOTE: The DZ-2500 single and the DZ-2500 2 Compartment Tanks are the only Tanks made from this mold.

Tank Description: Single compartment tank with 2, 24-inch Manhole openings. The tank has one inlet opening and one outlet opening on the opposing side walls of the tank. The take as a top seam where the lid meets the tank. The lid has a 1-inch flange and a 3-inch lip. The joint sealant that is applied to the seam is Mastic DZ-102B. No penetration points or openings below the tank liquid level remain, in accordance with (Minn. R. ch 7080. 1990, subp 1, C).

Structural Vacuum Tests

Vacuum gauge Wika Liquid Filled pressure gauge (pressure and Vacuum) and certified by PSI; see results submitted with this packet.

Maximum vacuum pressure Tested: 10.1 Hg for 5+ minutes.

Vacuum was held at 10.1 Hg for more than 5 minutes with no loss of pressure.

Results: The Tank was inspected after vacuum was released and there were no signs of damage.

Watertight Test

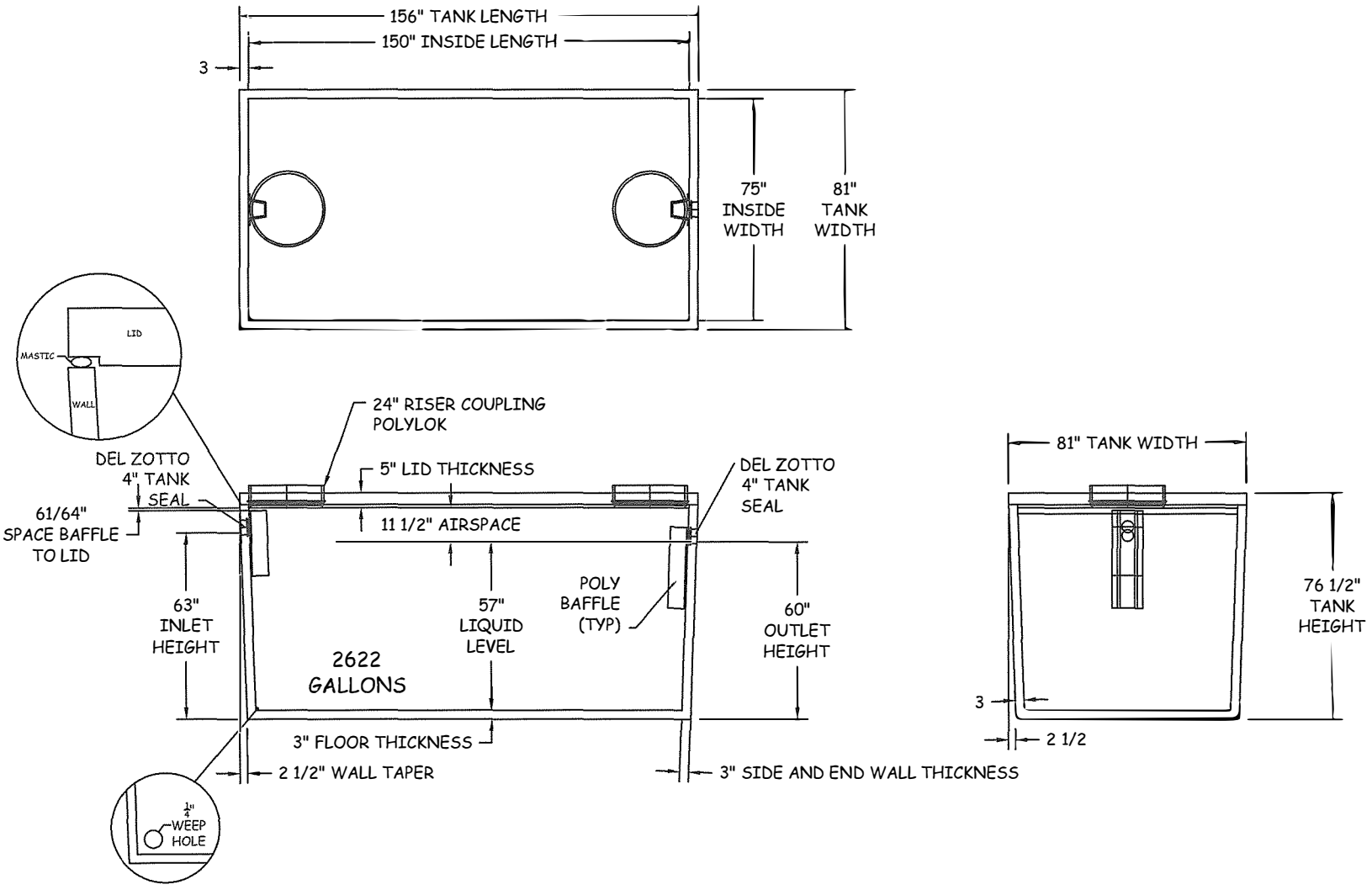
Tank is filled with water to within 2 inches of the top of the concrete lip of the manhole and left to saturate the walls for 24 hours. The tank is drained and then refilled to within 2 inches of the lip of the concrete manhole and measured; and again, after one hour. With a successful result being no change in the water level in the tank.

Results: Tank rested for 1 hour without change in water level.

Testers Name: DAVID D. CHRISTIAN Date: 9/9/2021

(Please Print Name)

Testers Signature: David D Christian Date: 9/9/2021



SHOWN AS A DZ-2500-S-WZ

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCE ON DECIMALS±.005
FRACTIONS±1/16
WELDMENTS±1/16
ANGLES±1/2°
REMOVE ALL BURRS AND BREAK ALL SHARP EDGES.

Del Zotto Products of Minnesota
1900 County Road #1, Wrenshall, MN 55797 218-384-3066 Fax 218-384-3088

DRAWING DESCRIPTION: DZ-2500-S-WZ Septic Tank W/Weep Hole					
SIZE: A	DWN BY: DLS				REV: D
File Name: P2DZ2500SHPCADD		SCALE: 1:48	DATE: 09/09/21	SHEET: 1 OF 1	

MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road North
St. Paul, MN 55155-4194

SSTS application for sewage tank listing

Subsurface Sewage Treatment Systems (SSTS) Program

Doc Type: Permit Application

General requirements for submittal

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Minnesota Pollution Control Agency
7381 Airport View Dr SW
Rochester, MN 55902

MPCA Use Only	
Review complete:	Date
Choose: [ ] Tank listed:	Date
[ ] Commen sent:	Date

Applicant information

Manufacturer's name: Del Zotto Products of Minnesota
Date of application: 9/8/2021
Address: 1900 County Rd 1
City: Wrenshall
State: MN
Zip code: 55797
Contact name: David Christian
Contact address:
(if different from Manufacturer's)
Address:
City:
State:
Zip code:
Telephone number: 218-384-3066
Fax number: 218-384-3087
Email address: Dchristian@delzottolink.com
Website (homepage): www.delzottoprecastforms.com

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For more information

For more information or additional copies contact Corey Hower of the Minnesota Pollution Control Agency at the address above or by calling 507-206-2603 or 1-800-657-3864.

Tank information (complete one for each tank model submitted)

Model: DZ-2500-C-WZ

Tank description

Liquid capacity: 2622 Gallons per compartment

Tank material:

- ☒ Concrete
- ☐ Fiberglass-reinforced polyester
- ☐ Polyethylene
- ☐ Other:

Tank use: (check all that apply)

Single compartment	Multiple compartments	
☐ Septic	☒ Septic/Septic	☒ Septic/Pump
☐ Pump	☒ Pump/Pump	☒ Septic/Holding
☐ Holding	☒ Holding/Holding	☒ Privy/Privy
☐ Privy	☐ Other:	

Maximum burial depth: 7 foot

Certification

I certify that all other Minn. R. ch. 7080 requirements are met, including:

- ☒ Allowable liquid depth (Minn. R. ch 7080.1920 subp, A)
- ☒ Minimum of six feet between inlet and outlet (Minn. R. ch 7080.1920 subp, B)
- ☒ Inlet at least two inches higher than outlet (Minn. R. ch 7080.1920 subp, D)

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- ☒ Not less than 6 inches or 100 gallons, whichever is greater, for all liquid depths with an effluent screen and alarm or for liquid depths less than 39 inches without an effluent screen and alarm.
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  - If septic tanks are compartmentalized, the first compartment must be equal to or larger than the rest of the tanks
  - Has adequate venting
  - Compartment walls can withstand weight of effluent against an empty compartment
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- ☒ Access requirements (Minn. R. ch. 7080.1970)
- ☒ Construction requirements (Minn. R. ch. 7080.1980)
- ☒ Have a method to lift tank for an ultimate load that is four times the working load (Minn. R. ch. 7080.1990 subp. 1, A)
- ☒ Tanks will undergo proper curing (verified by concrete test results) (Minn. R. ch. 7080.1990 subp. 1, B)
- ☒ No penetration points or openings in the exterior walls or tank bottom below the tank liquid level (bottom of outlet). (Minn. R. ch 7080.1990, subp 1, C).
- ☒ Sewage tanks will be clearly marked (Minn. R. ch. 7080.2020)

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I certify that structural integrity of the tank has been verified in accordance with Minn. R. ch. 7080.2010. (Also include Registered Engineer's certification if completed.)

Print name: David Christian Title: Purchasing

Signature: David D Christian Date: 9/9/2021

(Please conserve paper by printing double-sided copies.)

Del Zotto Products of Minnesota, Inc.

Vacuum & Watertight Tests

Date: 9/9/2021

Model: DZ-2500-C-WZ

NOTE: The DZ-2500 single and the DZ-2500 2 Compartment Tanks are the only Tanks made from this mold.

Tank Description: 2 compartment tank with 3, 24-inch Manhole openings. The tank has one inlet opening and one outlet opening on the opposing side walls of the tank. The take as a top seam where the lid meets the tank. The lid has a 1-inch flange and a 3-inch lip. The joint sealant that is applied to the seam is Mastic DZ-102B. No penetration points or openings below the tank liquid level remain, in accordance with (Minn. R. ch 7080. 1990, subp 1, C).

Structural Vacuum Tests

Vacuum gauge Wika Liquid Filled pressure gauge (pressure and Vacuum) and certified by PSI; see results submitted with this packet.

Maximum vacuum pressure Tested: 10.1 Hg for 5+ minutes.

Vacuum was held at 10.1 Hg for more than 5 minutes with no loss of pressure.

Results: The Tank was inspected after vacuum was released and there were no signs of damage.

Watertight Test

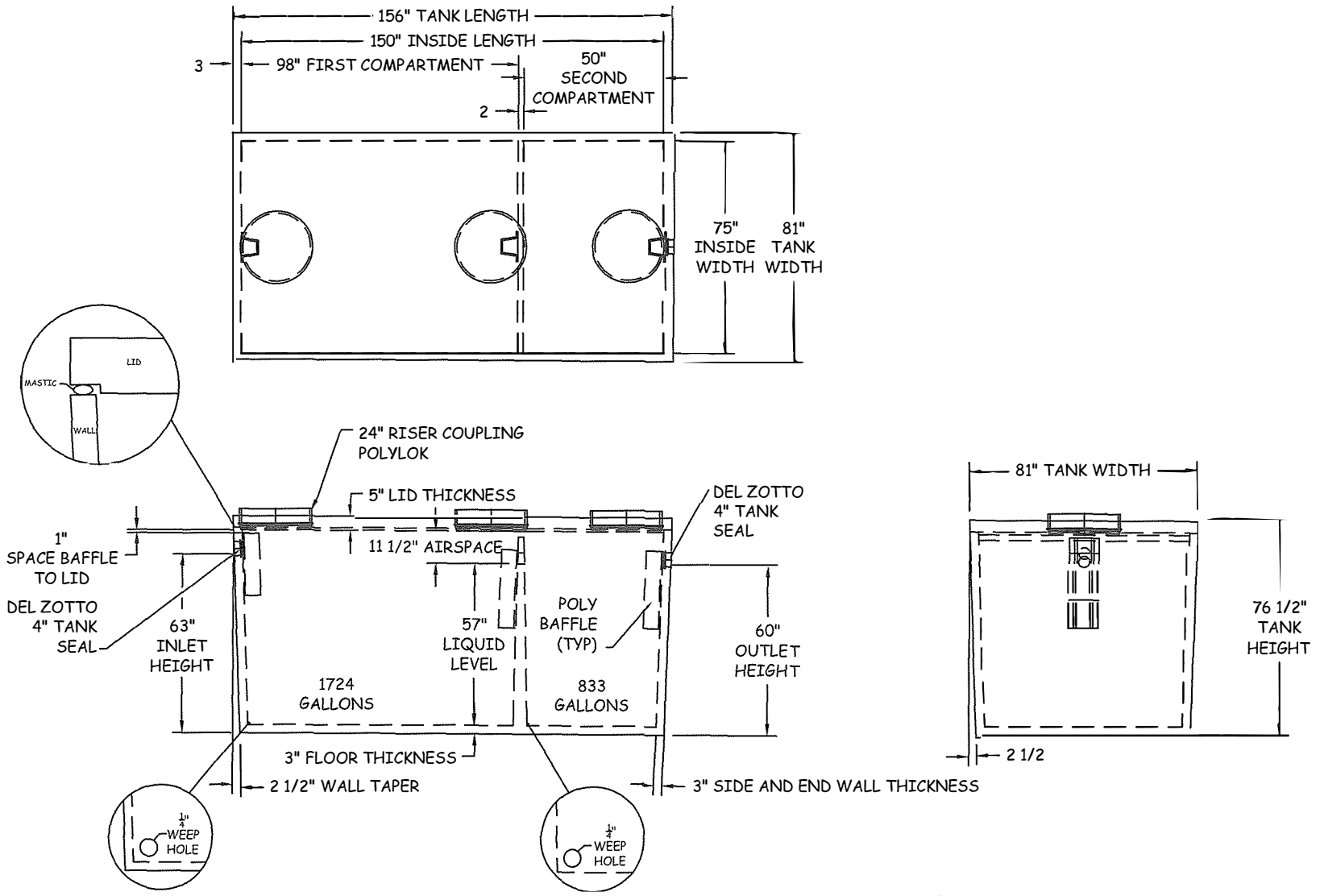
Tank is filled with water to within 2 inches of the top of the concrete lip of the manhole and left to saturate the walls for 24 hours. The tank is drained and then refilled to within 2 inches of the lip of the concrete manhole and measured; and again, after one hour. With a successful result being no change in the water level in the tank.

Results: Tank rested for 1 hour without change in water level.

Testers Name: DAVID D. CHRISTIAN Date: 9/9/2021

(Please Print Name)

Testers Signature: David D Christian Date: 9/9/2021



SHOWN AS A DZ-2500 C-WZ

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCE ON DECIMALS/LONS
FRACTIONS±1/16
WELDMENTS±1/16
ANGLES±1/2
REMOVE ALL BURRS AND BREAK ALL SHARP EDGES.

Del Zotto Products of Minnesota
1900 County Road #1, Wrenshall, MN 55797 218-384-3066 Fax 218-384-3088

DRAWING DESCRIPTION: DZ-2500 C-WZ Septic Tank W/Weep Hole				
SIZE: A	DWN BY: DLS			REV: E
File Name: Q2DZ2500CSSSPCADD	SCALE: 1:48	DATE: 09/09/21	SHEET: 1 OF 1	

ARROWHEAD PRODUCT DEVELOPMENT, INC.

4940 Lightning Dr., Ste. 5, Hermantown, MN 55811 gwerkhoven@arprodev.com
218-525-5210 Office 218-525-1909 Fax www.arprodev.com

Project: Test Viability of plugs in septic tank

Customer:

Del Zotto Products of MN
1900 County Road 1

By Gary Werkhoven

Date 9/3/21

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

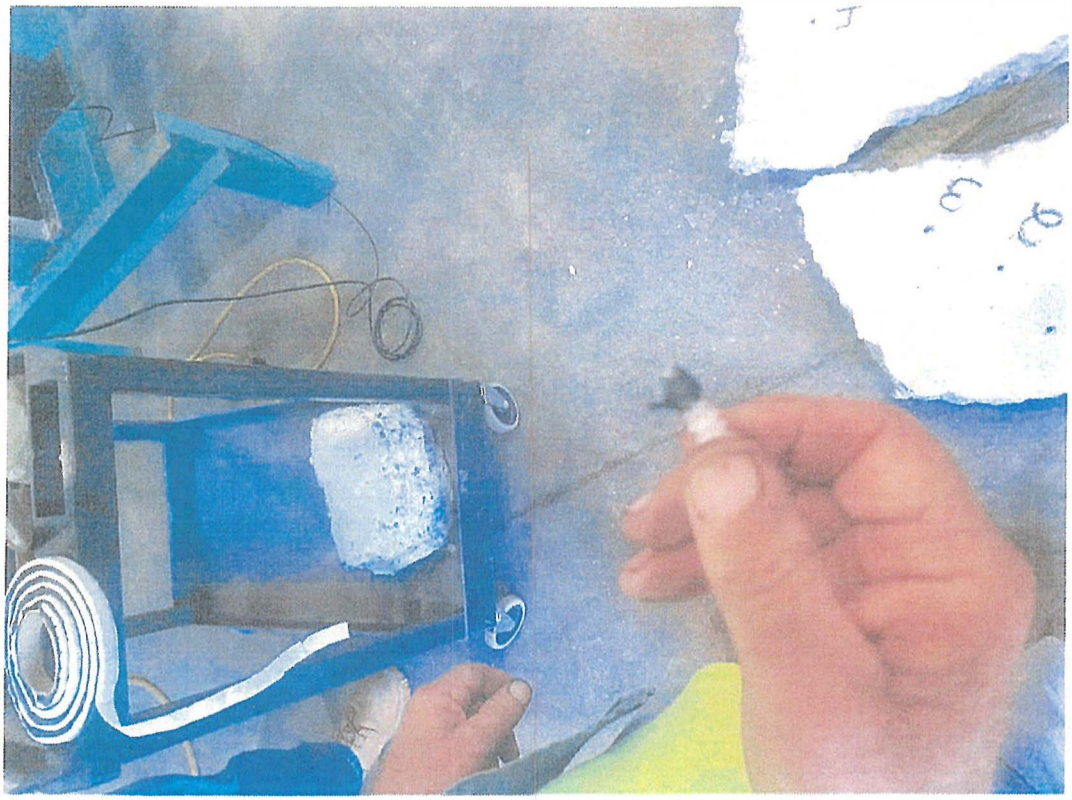
Gary Werkhoven

Date 9/3/21 Registration No. 24662

Arrowhead Product Development, Inc. was retained by Mr. William Del Zotto of Del Zotto Products of MN to test the security of a plug that had been placed in a small number of his septic tank products. The holes had been drilled into the tanks that were stored outside to drain rainwater when it rained. It is my understanding that only the large tanks needed this as they cannot be hauled with the cover in place as they are too large for the trucks, so they are stored without their covers installed to prevent damage by repeated installations of the covers. This report speaks to the adequacy of the plastic plug as an effective stopper to prevent leaks. It does not endorse nor support the practice of putting the holes in the tank. This practice is beyond my prevue as a mechanical engineer, and I will only speak to the adequacy of the plug.

The holes are made with a hammer drill and a ¼" masonry bit. I measured the holes by sliding a ¼"Ø into the hole and they are very close to ¼"Ø. A 5/32" Ø bit did not fit in any of the holes save for Hole #7 (the one that was slightly oversize), and it just started into that one.

The pieces that we used for the test were from the 3" thick walls of a scrap tank that is the same model wherein some of the drain holes were drilled. We drilled a sample set of 12 holes, installed the plugs with and without the aid of mastic sealer (mastic was installed in all of the tanks that were installed in the field). It should be noted that the plugs fit so tightly in the holes that a hammer is required to pound them in as they will not push in by hand. See the picture above.



This picture shows the mastic on the plug to provide additional sealing in addition to the plug. It should be noted that the covers of all the tanks set in place via gravity with only a mastic seal and it functions well in the field.

We numbered the holes on each side of the wall sections and closely monitored the forces to push out the plugs. Note the slight spalling of the inside surface, but the end of the plug is recessed in the hole by at least 1" beyond any damage. (See below)

Below is a picture of the load cell that was used to measure the dislodging force required to unseat the plug.

We tested the accuracy of the load cell against the accuracy of a bench scale at very light pressures, as we did not want to dent the surface of the bench scale with the tiny probe so we kept the pressures light. The load cell would be more accurate if we took it up to somewhere mid-range, but our purpose was to insure it was working properly. The accuracy is displayed below. At this very light weight the accuracy is .9% which is very acceptable.


OPTIMA
SCALE
11.4
OVER
ACCEPT
UNDER
Gross
Net
Tared
Hold
lb
kg
Battery
HOLD
UNITS
TARE
ZERO
SET
DIGITAL WEIGHT INDICATOR

Attachment A: is the data gathered to push out the plugs. The average force to dislodge the plugs was 142 lbs. It would require an average pressure within the tank of 2,896 PSI to develop the required 142 lbs. to dislodge the plug. Each pressure required to develop the dislodging force is shown on attachment A. Once the plugs were dislodged and started moving, the force to keep the plug moving decreased to somewhere between 35 – 60 lbs. That equivocates to an internal tank pressure (sustained) of 714 – 1225 PSI.

Attachment B is a screen shot of the specific gravity of sewage. The highest valve of this specific gravity is 1.4. Using these numbers against the most possible pressure head inside the tank (distance from bottom of baffle to bottom of tank) 57" (See exhibit C Tank print). The pressure in psi is about 15.1 PSI.

Based upon the numbers presented here, the factor of safety range from ±192:1 (average highest) to 47:1 at the average lowest. In short, the plug cannot see a pressure anywhere near what it will take to dislodge it. The septic tank itself would physically explode before enough pressure could be generated to dislodge the plug. Further, if the mastic sealer is good enough for the cover to prevent leakage, it will be good enough to prevent leakage through the tiny hole, even withstanding the driven in plastic plug which is designed to prevent leakage.

It is my professional opinion that the plugs are adequate to stop any leakage and will stay in place because no pressure can exist that will drive them out.

Test Data for dislodging Plugs from hole

Test No.	Force to dislodge Plug~#	Equivalent Pressure in tank to create force~PSI	Comments
1	82	1670	Mastic on Plug - Workpiece No. 1
2	140	2852	No Mastic on Plug - Workpiece No. 1
3	85	1732	Mastic on Plug - Workpiece No. 1
4	90	1833	No Mastic on Plug - Workpiece No. 2
5	300	6112	No Mastic on Plug - Workpiece No. 2
6	120	2445	Mastic on Plug - Workpiece No. 2
7	19	387	Mastic on Plug - Workpiece No. 2 Hole hard to drill, slightly oversized
8	190	3871	Mastic on Plug - Workpiece No. 2
9	150	3056	Mastic on Plug - Workpiece No. 2
10	195	3973	Mastic on Plug - Workpiece No. 2
11	195	3973	Mastic on Plug - Workpiece No. 2
12	140	2852	Mastic on Plug - Workpiece No. 2
Average	142	2896	

Hole diameter = 1/4"

A=((.25)2X PI)/4= 0.0491

Force=Pressure X Area

Pressure = Force/Area

General Observations:

1. The maximum pressure required to dislodge the plug and get it moving is what is shown
2. The noted pressure to keep all but #7 moving was between 35# - 60#
3. #7 Had a slight spike to dislodge (too quick to note) and then took 19# to push out.
4. The accuracy of the scale was checked against a scale at very low force. ±11# -> .9% error...load cell okay.

ATTACHMENT A

ATTACHMENT B

specific gravity of sewage water

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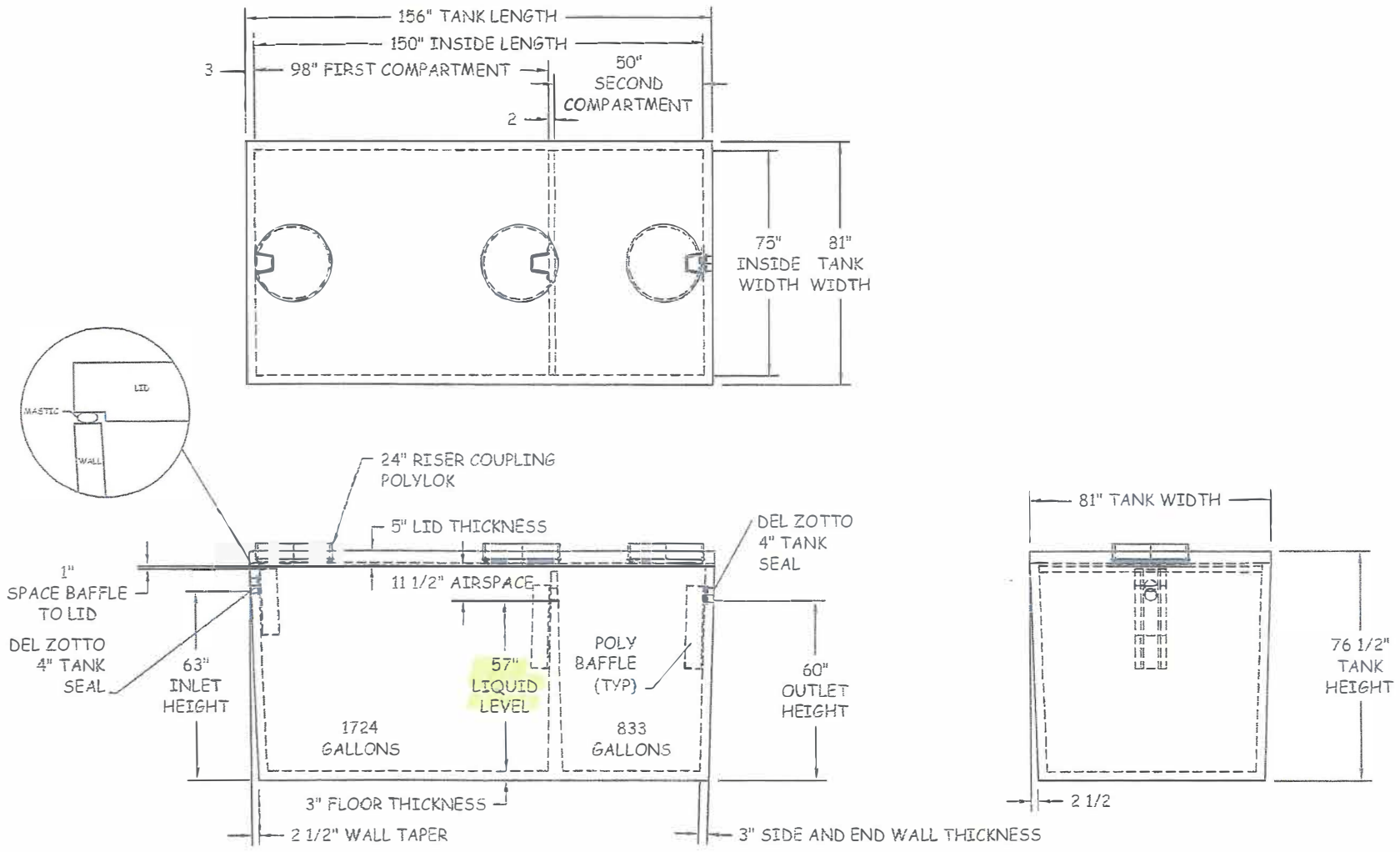
Generally, the specific gravity of municipal sewage lies **between 1.2 to 1.4** which is slightly greater than 1.



SHOWN AS A DZ-2500 C -S/S

UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCE ON DECIMALS±.005
FRACTIONS±1/16
MILLIMENTER±1/16
ANGLES±1/2°
REMOVE ALL BURRS AND BREAK ALL SHARP EDGES.

Del Zotto Products of Minnesota
1900 County Road #1, Wrenshall, MN 55797 218-384-3066 Fax 218-384-3088

DRAWING DESCRIPTION: DZ-2500 C -S/S -S/P Septic Tank

SIZE	DWN BY	REV
A	TAV	D

File Name	SCALE	DATE	SHEET
Q2DZ2500CSSSPCADD	1:48	12/04/2012	1 OF 1

ATTACHMENT C

RECEIVED
By: OAH on 12/22/2022 9:51am
Sara Heger Attachment 1

UNIVERSITY OF MINNESOTA

Onsite Sewage Treatment Program
Water Resources Center
University of Minnesota

Room 173 McNeal Hall
1985 Buford Avenue
St. Paul, MN 55108

800-322-8642
Fax : 612-624-6434
http://septic.umn.edu

Minnesota Office of Administrative Hearings
600 North Robert Street
Saint Paul, Minnesota 55164-0620

Dear Judge Todnem:

The University of Minnesota's Onsite Sewage Treatment Program (OSTP) is submitting an official comment opposing the Possible Amendments to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, Minnesota Rules 7080 (Revisor's ID number R-04773). The OSTP has been a technical and educational resource within the wastewater treatment profession in Minnesota for over 45 years. Outlined below are the primary reasons we are in opposition:

1. A drainage hole presents a location for a source of potential immediate and long-term failure in a precast concrete tank.
2. A drainage hole creates an additional activity in the manufacturing, installation, and inspection of both new and existing tanks. This activity, if mis-managed, will result in improper treatment of wastewater affecting public health and the environment.
3. The National Precast Concrete Association has developed a national manual of septic tank practices and excludes the use of a plug as a method to deal with rainfall.
4. There is no research on the longevity of the methods and products to repair holes as being suggested.
5. The proposed change would require additional education on how to manage these holes during the installation and inspection of new and existing systems.
6. Other options exist to deal with the problem of water accumulating in stored septic tanks that do not impact the quality of septic system installed in Minnesota nor the public health of Minnesotans' and the lakes, rivers and streams the septic system industry works so hard to protect.

Nationally, Minnesota is regarded as a state that understands and values proper septic system regulations and practices. If allowed to move forward this change would not be in line with sound science and regulatory prudence.

We appreciate having the opportunity to provide input as potential rule making is being considered and look forward to continuing to move the septic system industry forward in Minnesota.

Sincerely,
The University of Minnesota Onsite Sewage Treatment Education and Research Team: Chia-Yang Chen, Stacey Feser, David Gustafson, Sara Heger, Peter Otterness, Daniel Wheeler, Elizabeth Wells, and Danille Yantes

RECEIVED
By: OAH on 12/22/2022 9:55am
Sara Heger Attachment 2

UNIVERSITY OF MINNESOTA

Onsite Sewage Treatment Program
Water Resources Center
University of Minnesota

Room 173 McNeal Hall
1985 Buford Avenue
St. Paul, MN 55108

800-322-8642
Fax : 612-624-6434
http://septic.umn.edu

The Honorable Suzanne Todnem, J.D.
Minnesota Office of Administrative Hearings
600 North Robert Street
Saint Paul, Minnesota 55164-0620

Dear Judge Todnem:

The advisory committee (AC) on subsurface sewage treatment systems (SSTS) was officially formed in the 1996 to provide input on septic system related rules, technical data, administration, education, product registration and best practices.

The SSTS AC reviewed the Possible Amendments to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, Minnesota Rules 7080 (Revisor's ID number R-04773) at their last committee meeting held on December 6, 2022. The voting members of the committee including citizens, county administrators, and certified SSTS professionals. The SSTS AC passed a motion in opposition with eleven members apposing, zero votes in favor, and one abstention.

As the vote demonstrates the committee does not support the proposed change. We hope you take this committees vote into serious consideration when evaluating this proposal.

Sincerely,

Sara J. Heger

Dr. Sara Heger
SSTS AC Chair
sheger@umn.edu

Robert W. Whitmyer, SSTS TAP Chairman
3990 Fairview Road
Rice Lake, Minnesota 55803-2708

December 19, 2022

The Honorable Suzanne Todnem, J.D.
Minnesota Office of Administrative Hearings
600 North Robert Street
Saint Paul, Minnesota 55164-0620

% Ms. Denise Collins, Court Administrator,
https://minnesotaoah.granicusideas.com/discussions/38748-minnesota-pollution-control-agency-request-for-comments/topics/submit-a-comment-244

Re: Possible Amendments to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, Minnesota Rules 7080; Revisor's ID Number R-04773

Dear Judge Todnem:

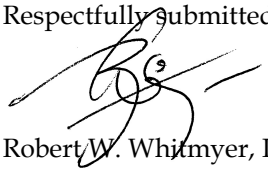
The above-referenced proposal to amend Minnesota Rules (MR) 7080 with language allowing holes below operating level of sewage tanks for the purpose of draining them was discussed by Subsurface Sewage Treatment System (SSTS) Product Registration Technical Advisory Panel (TAP), authorized by MR 7083.6000 Subpart 2. G. as a subcommittee of the SSTS Advisory Committee, during the regularly-scheduled meeting on December 15th, 2022. As presented, storage of uncovered precast concrete tanks outside results in the accumulation of precipitation adding weight making transport reportedly difficult or not possible for at least one manufacturer.

The TAP passed unanimously a motion opposing the proposed rule amendment based on concerns surrounding tank integrity, failure liability, regulatory enforcement, and historical problems with such. Examples of questions arising during the meeting in these regards include:

- Will such holes negatively impact long-term structural integrity?
- Who will be liable for failures of hole plugs due to normal maintenance activities?
- What procedures will be used to assure immediate and long-term integrity of plugs, e.g. proof of leak-free installations, required documentation for product registration, etc.?
- Why reintroduce a practice specifically disallowed due to past (and recent) failures of such?

On behalf of the SSTS TAP, please duly enter this opposition into the record.

Respectfully submitted,



Robert W. Whitmyer, PSS, SSTS AD/I & SP, SSTS TAP Chairman

RECEIVED
By: OAH on 12/22/2022 2:02 p.m.

LAKES CONCRETE Plus

5422 Hwy 71 NW
Bemidji, MN 56601
Phone: (218)444-9112 Fax: (218)444-9296

FAX

To: Denise Collins, Office of Administrative Hearings Court Administrator

RE: Drainage Hole SSTS Amendment

Date: December 19, 2022

Fax #: 1-651-539- 0310 **Pages:** 1

Please contact me at the number listed above with any questions.

Thank You!

Marc Olson
President, Lakes Concrete Plus, Inc

To Whom It May Concern:

I'd like to give my input, as a SSTS manufacturer in Northern Minnesota, to the possible amendment of the SSTS rule governing drainage holes beneath sewage tank operating levels.

Typically, when a tank is pulled from its form, we immediately place a lid on it so no precipitation can get in, however there are times when that is not possible. Our next stormwater management procedure is to pump the water out of the tank with an electric pump. While it would be nice to be able to pump out the tanks after every rainfall, it makes no sense since most of it evaporates over the summer months. We do pump them before they go to a jobsite, it makes it much easier to lift them with the boom truck. But managing the bulk of the stormwater accumulation typically must wait until the rain stops for the year. While it's quite time consuming to use the electric pumps, we haven't found another legal way to get the bulk of the water out.

A couple of years ago there was a rapid and unexpected drop in temperature and we had limited staff on hand to pump out the tanks. We used the same ¼" concrete drill bit used to install baffles to drill weep holes in the bottom of some of the SSTS tanks. It was the only solution we could come up with to save the tanks from cracking when the accumulated stormwater froze. We then marked the weep hole with spray paint and then the following spring shot concrete caulk into the hole and then drove a Tap-It (concrete anchor screw) into the hole. We gave it a day and then did a watertight test on the tank, it passed with no seepage noted.

The MPCA is aware of this, and our company is currently under review for our actions. Nobody wants to sell a substandard product but as a small business you also must make financially responsible decisions, more frequently than not the two are at direct odds with one another.

While I cannot answer the question of whether the repaired weep holes will last the lifetime of the SSTS tank definitively, I truly believe it will. If the baffles stay in place with the anchors, I believe the same anchors will stay in place to plug the ¼" hole that was drilled.

Thank you for allowing me to share my perspective with you and am very interested in the outcome of the proposed amendment.

Marc Olson

RECEIVED
By: OAH on 12/21/2022 3:01 p.m.

Austin Chapter 10
Izaak Walton League of America
Chapter President
Mark Owens
1104 3rd St NW
Austin, Minnesota 55912

Attn William Moore

RESPONSE TO- Request for Comments on Possible Amendment to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, MN Rules 7080, Revisor's ID Number R-04773

MPCA requested items:

1. Place lids on tanks or other covers to shed rain and show, indoor storage.
2. Form drainage opening in tanks and patch with commercially available materials before setting tank and before tank leaves manufacturers facility. Expanding cementitious grouts to epoxy patching materials are on the market with significant history.
3. Manufacturers should be liable for patching material selection and warranty as they are for the rest of the product.
4. Concrete and construction industries have significant experience in underground and underwater patching and should be able to support appropriate remedies.
5. Manufacturers can determine which process is most viable for them and maintain the warranty for life of the tank.
6. Resolution of the issue should not result in any negative effect to the end users.

Any patching of drainage holes should not require onsite inspection and the resulting safety and time demands to be added to local government.

Mark Owens

1 PAGES
FAX
12/21/22

MOWER COUNTY
Board of Commissioners
201 1st Street NE, Suite 9, Austin, Minnesota 55912
Phone: 507-437-9549 Fax: 507-437-9458

December 13, 2022

23-9003-38748
RECEIVED
DEC 19 2022
Office of Administrative Hearings

Office of Administrative Hearings
Attn: Denise Collins, Court Administrator
600 North Robert Street,
St. Paul, Minnesota 55164-0620

RE: **Request for Comments on Possible Amendments to Rules Governing Drainage Holes Beneath Sewage Tank Operating Levels, Minnesota Rules chapter 7080; Revisor's ID Number R-04773**

To Whom It May Concern:

Mower County Board of Commissioner's **does not** support the possibility of MN Rule 7080 changes which would allow drainage holes below the septic tank operating level. Our county's current ordinance and septic program would need modification to adjust to such proposed changes. Ordinance and policy changes cost money. In addition, inspecting and monitoring costs related to these weep holes would be passed onto unsuspecting landowners. We are concerned about the possible liability the county would incur if having to verify or inspect the holes to make sure they were property sealed and remain in good condition throughout the life of a tank. The work of our staff includes management of county SSTS program, and they have informed us of their concerns, and we agree. We appreciate the opportunity to offer comments and share our concerns with the proposed amendments to rules governing septic tanks.

Again, Mower County opposes proposed amendments to Minnesota Rules chapter 7080 referred to as the Drainage Hole SSTS rule. As the regulatory governmental entity responsible for SSTS administration, Counties are directly impacted by such proposal and oppose it for the following reasons:

1. The purpose and intent of water-tight, pre-cast tanks are to prevent untreated sewage from entering the groundwater and surface water.
2. The proposal undermines the process of tank certification, already in place statewide.
3. Counties have been working for decades to eliminate inadequate tanks that do not protect groundwater and surface water. Intentionally placing a hole in an engineered and certified septic tank compromises the tank's integrity.
4. Intentionally placing a drainage hole in a new pre-cast tank, only to support a manufacturers simplicity for storage does not meet the purpose and intent of Minnesota Rules chapter 7080 and MN Statute 115.55.
5. There is no research or data on the lasting integrity of septic tank repairs.
6. The liability and responsibly lies with counties and installers to ensure the repairs from these intentionally placed holes are properly completed and lasting throughout the life of a tank, which generally is 30 years or more.
7. Often the tank is set in the ground prior to county staff being present onsite. To inspect the tank after being set in the ground would require entrance into a confined space.

OSHA rules require special training and compliance with their rules when entering a confined space. Oftentimes our staff would have to enter a tank to ensure watertightness of the tank repair. This places an extra burden on LGU for training, equipment, and puts staff lives at risk if anything goes wrong.

8. Our county has one inspector. We complete around 125 septic installations a year and have multiple tank manufactures which could be at multiple locations throughout the county. We cannot be everywhere at once and would have to hold up contractors from their work for off-loading of the tanks by the manufacturer and installation crews from installing and covering the tank and completing the other phases of the septic system. This is a loss for everyone involved; time is money. You would be slowing progress in an industry that is in need of more contractors.
9. We understand this to be a one manufacturer's issue, in one particular area of the state. This manufacturer could look to other alternatives such as tarps or on-lid storage to prevent precipitation from entering the tank, pumps to remove water before transport, or investing in heavier equipment to move the tanks with lids on.
10. Additional physical inspection of the tank would be required in a program that is already grossly state underfunded and has not seen increases for decades.
11. Parts of the State have fractured bedrock (Karst) – which if failure of the tank repair puts the groundwater and drinking water at considerable risk for fecal coliform bacteria contamination. Untreated, raw, sewage can cause a multitude of illnesses and in extreme cases can cause death.
12. Implementing a change such as this would need to be counter-balanced by extra in-use compliance review, which in-turn, would add another 7080-rule change, putting more burden on the licensed inspector to verify the tank and it's "hole-patch" to assess that it is not leaking. Compliance inspections are prompted when various events occur. If those events do not occur – it can be years of sewage leaking into the ground/ground water before the leak is discovered. Allowing untreated sewage to leak into the ground does not protect the water quality or public health.
13. For these above reasons, it would seem that by allowing weep hole(s) to be placed in and engineered, watertight structures to allow for drainage of rain and snowmelt at the convenience of tank manufactures, seems to run counter-intuitive to the goals and policies of the clean water that are currently in place for the State of Minnesota. If there are other resolves that can address the water entrapment issue, those need to be explored before a rule change can be expected.

Thank you for consideration of these thoughts on the potential rulemaking.

Sincerely,

Jeff Baldus

Jeff Baldus, Mower County Board Chair on behalf of
Mower County Board of Commissioners

November 17, 2022

RECEIVED

NOV 28 2022

Office of Administrative Hearings

Denise Collins
Office of Administrative Hearings Court Administrator
600 North Robert Street
P.O. Box 64620
St, Paul, MN 55164-0620

Regarding the November 11, 2022 e-mail from Cody Robinson, MPCA and the proposal to amend SSTS Rules related to newly constructed concrete sewage tanks during storage I relate the following.

As indicated in the background paragraph of the MPCA e-mail the alleged problem is precipitation entering newly constructed septic tanks during storage and making it difficult to transport to an installation site when sold to an installer. Some industry individuals have proposed to place a drainage hole in the tank to allow precipitation (rain water, snow melt water, etc.) to drain out the holes. I have to say that my initial thoughts on this proposal are not publishable.

Current Rules, 7080.1990 subpart 1, item C, do not allow this and shall not be changed.

There is no reason why a concrete septic tank cannot last 50 to 75 years. When if a water drainage hole is plugged before being installed it can shorten the life of the tank. Even if it is "resealed" it is not original and can or will leak. The tank is buried and is out of vision and can shorten the long-term life of a tank and allow leakage below grade. It is more practical to keep the precipitation out in the first place. A waterproof film, much like is applied to water craft in winter storage, can keep water out of tanks.

Economics and work ethics should not replace environmental consideration.

Kent Rees

Kent A Rees