

SSTS Advisory Committee Agenda

December 9th, 2020

Virtual via WebEx

Attendees: Brandon Montgomery, Katie Dowlding, Aaron Jensen, Cody Robinson, Nick Haig, Sara Heger, Chris Pence, Scott Robinson, Wayne Johnson, Eric VanDyken, Pete Otterness, Mark Latterell, Brent Rud, Joel Larson, Lisa McCormick, Chris Leclair, Chris Berg, Tom Girtz, Cathy Tran, Joe Sanders, Cindy Tiemann, Sam Padelford, Travis Johnson, Andrea Perales, Gary Bruns, Matt Spellman, Brian Martinson, Tom Wirtzfeld

8:50 Login/download Webex (see page 2)

9:00 – 9:10 AM Introductions, agenda review and vacancies on Committees. Sara Heger & Brandon Montgomery

Stacey Feser is no longer a member; Chris Pence has joined as the BWSR representative.

9:10 – 9:25 AM UMN Training Update, Joel Larson
Goal -- AC informed of ongoing activity

The UMN's priority is to continue to offer education while protecting our staff, partners, learners, and other people at the venues. UMN are going to have to respond with how conditions change. UMN are taking a variety of approaches for offering classes. Some classes are being held online (Intro, Install, General CE) or through a hybrid format (Soils CE). UMN might consider other classes to be held as a hybrid style. There are some classes that UMN will continue to do only in person, due to material, but these classes have had and will continue to have limited attendees. On Monday (12/14/2020) UMN announced classes for January, including another round of Intro, Install, and a 4 hour General CE. UMN plan to host in person classes in February and March, primarily for general education, continuing education, and design. UMN are hoping to announce these in person class offerings in early January. UMN are holding off announcing these classes for now so UMN can accommodate any changes (e.g. Governor Orders, UMN policy). Sometime in February or early March, UMN hope to announce spring classes. UMN expect a backlog of desired attendees and other challenges for these classes. With limited class size, UMN can't get everyone through the class who needs it. Online offerings don't work for everyone, due to technology issues, etc. UMN are hoping to update classes to accommodate those challenges. UMN are hoping to schedule a full set of 12 hour general education classes fully in person, so if that is the better option for someone, they can attend those. This isn't final at this point until UMN know our own circumstances and the venues latest set of guidelines. UMN don't know what this will mean for our summer offerings, as this is typically when UMN offer Soils or other field-based classes. UMN may try to offer more classroom-based classes, but this really depends on the latest set of guidelines and needs from groups involved. UMN have intermediate and advanced classes planned. The intermediate and advanced classes planned are primarily in person, but UMN are keeping our options open. UMN might try to have some parts of the classes online, like homework or pre-classroom material. The default will be to offer them in person, but it will depend on the Covid19 situation at that time. If there is a particular need for specific classes, UMN ask that you let us know because that will help determine the schedule.

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Question asked about the MPCA's stance on expirations and extended certifications.

Certifications scheduled to expire between March 13, 2020 and June 30, 2021 will not lapse as a result of course cancellations or COVID-19 related restrictions. This date may be reassessed in the future. If an expiration comes up anytime up until June of 2021, the MPCA will be renewing certifications automatically. Although, the training requirements still apply and will need to be completed within the next certification window.

9:25 – 10:30 AM MPCA Updates

Goal -- AC informed of ongoing activity and provides input and approval as appropriate

- Rule Change – Brandon Montgomery

The final package has been sent to the secretary of state. Sec of state sends this to Governor for a 14 day veto period. If it is not vetoed, then it will get published in the state register. Current expectation is publication in the Jan. 11th Register. Five business days after state register publication the rule becomes effective. So, the Monday after publication in the register. If there is a factor (like holiday) within that time period, it may be the following Tuesday, etc. We are still working on, or planning to, have communication out to professionals in regards to the rule change. Bulletin article will be sent out. An email may be sent out. Other communication methods that are set up for the rule (gov delivery, our website), will be updated. Implementation around Jan 18th time frame is what we've been told. To implement, MPCA has to update different documents and references. There have been updates to the compliance inspection form, which have been finalized, and it is ready to be published when the rule goes live. Ideally the plan would be to line up the new inspection form with the implementation of the rule change. The instructions were updated that go along with the compliance inspection form. Design guidance is having a slight upgrade, mainly the pieces about when a SDS permit is required. The agency is going to update the sewage tank maintenance reporting form - just changing the language on the third page to align with the rule change language (tank integrity assessment). Also plan to create a stand-alone tank integrity assessment form as well which will mirror the third page of the sewage tank maintenance reporting form.

A question was raised about state permitted systems that may no longer need a state permit moving forward because of this rule change – what is the MPCA's process for that after the rule change?

Brandon Montgomery stated that there has been work with the wastewater program, the folks that issue SDS permits, to update guidance and communication on their side. They are sending out this info to LSTS permitted systems and SDS permitted systems when the rule goes into effect. This will include info about what to look for to see if a system could have a different permit. The permittee will get a letter from the agency

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directly speaking more to the process about whether a SDS permit is needed for a system still or not. It mirrors the rule change. We worked with the wastewater program to make sure this info is up to speed and ready to go when everything else goes out.

A question was asked about if the LGU is going to be included in that process of cancelling SDS permits?

Brandon stated that making sure the LGU is capable of taking on any permit/system that is going to be canceled will be part of the process. So one step of that process is having a conversation with the LGU to make sure they are capable of permitting the system if the current SDS permit was to be canceled. The guidance goes even further about this, such as if the LGU is not capable of taking on that permit, then that is a reason why the current SDS permit would not be canceled and that system will stay a SDS permitted system.

A concern was raised about the process of moving systems from having SDS permits to LGU permits. It was expressed that any changes that the agency would expect to see from the LGUs should involve clarity communicated to them about the process.

Brandon stated that there is agreement that making sure the LGU is fully up to speed and is capable of taking over is necessary. If for some reason ordinance does not allow permitting of a specific system, then that permit wouldn't change. There is really no way to know what LGUs would have to deal with this process, but that aspect of conversing with the LGU is included in the guidance.

- MPCA staff – Aaron Jensen

The MPCA SSTS program is back at full staff. Cody is back from military leave. Two Compliance and Enforcement vacancies were filled and these new staff members are getting their training done. Nick Nistler is the new C&E staff member out of the Duluth office. Klayton VanOverbeke is the new C&E staff member out of the Marshall office. Klayton just started a couple weeks ago, so he is still working to get himself oriented with SSTS. Both Nick and Klayton are former MPCA employees.

MPCA SSTS staff are still working from home. The last update we have received is that MPCA staff will be working from home through June of 2021. SSTS staff are still doing field inspections, complaint investigations, and attending trainings. All meetings are virtual at this time. No one is working in the office unless there is a specific project that needs to get done. If you need to meet with the MPCA SSTS staff, please let us know. Our phones are rolled over to our personal phones, but some staff have work phones or are piloting a new technology that allows phone calls through the computer. If you are not getting a response from the staff, it may be a technical difficulty, so please follow-up with an email.

- Unsewered Communities, Lisa McCormick

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The passing of the bonding bill was great news for unsewered areas, with a number of them in the fundable range for PSIG and others getting special appropriations to move projects forward. This will help several projects that have been on the PPL for a few years get moving towards a resolution to their wastewater needs.

The plan for state-wide facilitators continues to have broad support, but due to the pandemic and recent budget forecasts, the likelihood of funding in the near future is highly unlikely. The project is on pause until an avenue for funding can be determined.

- Talking Tour, Brandon Montgomery

The talking tour is canceled this year. Communication will be sent out soon. It was determined that having the talking tour meetings in person is essential their purpose and benefit. There was consideration for a virtual talking tour in 2021, but it was ultimately determined that this platform would not facilitate the same level of meeting that is sought. There is no intention of canceling the talking tour moving forward and we are hopeful the talking tour will be held again in 2022.

- Annual Report, Katie Dowling

The 2020 Annual Report survey is ready to be sent out to local SSTS programs tomorrow, pending any issues with the data team finalizing the materials. The Annual Report survey will be delivered as a web-based SNAP survey and will be due back to the MPCA by February 1st, 2021, mirroring the past 3 years. There are 215 projected respondents for the 2020 Annual Report.

If a respondent wants to see what the survey looks like before actually filling it out, contact Katie Dowling for a PDF copy. When the survey is completed, it may be helpful to save and print a copy for yearly record-keeping.

If a local program does not receive an email with a link to the survey, please contact Katie Dowling to obtain this. There are a few somewhat common issues surrounding survey delivery via email, such as 1.) An email system may refuse to accept the email due to suspecting it as spam, and 2.) The local contact information for a program may be inaccurate, due to staff turnover or other email changes. Since email contacts are used to deliver the survey, it is important to update the MPCA when there are staff changes.

- TAP Update, Cody Robinson

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Currently in active transition for Katie Dowling to be the new MPCA staff dedicated to product registration and TAP responsibilities. She is the primary contact for all product registration and TAP inquiries moving forward. There are two new TAP members that have recently filled vacancies: 1.) Jason Walsh – LGU Inspector from St. Louis County (replacing Ed Kerzinski), and 2.) Alex Pepin – Former LGU Inspector, Current Advanced Designer/Inspector, Service Provider, PE in training. Currently all TAP vacancies are filled. The next TAP meeting is scheduled for Thursday, December 17th virtually via Webex (first meeting since December 2019 due to COVID and lack of content). Meetings will continue to be hosted on the third Thursday every other month as permitting content to discuss. State guidelines will determine the next time TAP meets in person.

Products up for renewal in 2020:

Product Name	Manufacturer
MicroFAST (Models 0.5-1.5)	Bio-Microbics, Inc.
RetroFAST (Models 0.150-0.375)	Bio-Microbics, Inc.
Puraflo Peat Fiber Biofilter (Models P150*1A & 1B to 10A & 10B)	ANUA
Hoot H-Series (Models H-500-H-1200)	Hoot Systems, LLC
AdvanTex (AX20 Series, AXRT Series, and AX100 Series)	Orenco Systems, Inc.
AdvanTex High Strength Waste (AX20 Series, AXRT Series, and AX100 Series)	Orenco Systems, Inc.
Amphidrome Treatment System	F.R. Mahony & Associates, Inc.
Amphidrome Treatment System High Strength Waste	F.R. Mahony & Associates, Inc.
Bioclere (Models 16/12LS)	AquaPoint, LLC
CE Series (Models CE5, CE7, CE10, and CE14)	Fuji Clean USA, LLC
CEN Series (Models CEN5, CEN7, and CEN10)	Fuji Clean USA, LLC

There was a small response rate for product renewal surveys this year. There were only three responses statewide after sending to both LGUs and service providers. Further inquiry has been communicated to LGUs in an effort to get data on how these products up for renewal are performing in Minnesota (performance data). There have been other product registration modification and scale-up requests from manufacturers

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recently. Some manufacturers have reached out for information on the registration process, so there is some anticipated new products going to be introduced next year.

Lastly, there is active collaboration with TAP to develop an improved protocol for registration of high strength waste (HSW) products. HSW registration discussion was introduced at the TAP meeting in September 2019 and will continue to be an agenda item throughout 2021. Currently, there is not a solid protocol for what the TAP would like to see to register HSW products. The overall goal of implementing a new protocol is to standardize and effectively communicate details surrounding the data needed to register products for HSW.

10:30 – 11:00 AM Member topics

Goal – Members bring up topics for discussion and consideration

- Plumbing Board Update, Cathy Tran (DLI)

The plumbing board has been working on updating the plumbing code. A dual notice was published in the state register and the comment period ended on November 25th. The board did not get any requests for a hearing. The next stage is the Administrative law judge to review those rules. The anticipated adoption date will be fall 2021. There are no anticipated significant impacts for the SSTS building sewer/professionals side. The next plumbing board meeting will be hosted in the middle of January. Most of the plumbing staff are also teleworking. The best way to get ahold of staff is through email, or leave a voicemail that will roll over to email right away.

- Type IV Issues, Tom Wirtzfeld

Tom stated that he is observing some concerning issues, such as stress on systems with more concentrated usage, greater flows, greater fecal counts, increases in fecal coliform, lack of understanding and support for Type IV systems, etc. Was wondering if he is the only one that has this concern.

Travis Johnson stated that he has similar concerns and provided potential contributing factors, such as increased usage due to covid, higher strength waste due to decreased water conservation, and more multiple families living in a single home. A lot of systems are not getting sampled, and this concern highlights the importance of checking systems to identify and get ahead of problems. Stated that LGUs should enforce management plans.

Sara Heger stated that there is data showing Americans are using more sanitizers, so there is more stuff going down the drain that is hard on SSTS. We may potentially see more systems, even conventional systems, fail at the 30 year range.

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Cody Robinson stated that these concerns are actively being looked at. Getting feedback like this is part of the product renewal process. We can bring this to the TAP if we can obtain more specifics regarding which systems and the issues. Effluent sampling will help. If we know what the waste characteristics are, that will help us consider the issues in more detail. The LGU and service provider renewal surveys are meant to facilitate this specific feedback. As we get these products in for renewal, we ask the manufacturers what LGUs have installations. Once we get this information, we ask the LGUs for their operating permit data. If we can get more operating permit data then that will help this process. The operating permit program should be working in alignment with what rule says. We are very interested in hearing more from Tom and will be reaching out.

Brandon stated that were some conversations at the state regulator level about covid and system failure. Folks are definitely seeing strain on systems.

1. Privies, Scott Robinson
 - a. Lack of registered privy vaults, especially plastic,
 - b. Unregistered product could be used, but guidance could be useful such as load-bearing strength (structure will be placed on the vault), as well as flotation/anchoring requirements.

Scott stated that this issue came from a local regulator. Concerns that there are no privy tanks registered for outhouses and guidance is lacking. Plastic tanks may be more of a concern in regard to if it will handle the weight of the privy. We use 500 gal pump tanks, because they are registered to be in the ground, but not specifically registered for vault privies.

Brandon stated that there are currently 12 registered products for privy vaults. The registration process is set up to determine if the product is acceptable for use as a privy tank (strength, weight carrying capacity mainly). Cower Hower looks at this as part of the registration. There is probably lots of other opportunity for other tanks to be considered privy tanks. The vast majority would probably be acceptable to use in that situation as well. The tank manufacturers just need to request that registration item upon renewal. The plastic tank issues might be a little different due to the tank integrity, and not sure how that conversation would go with Corey and the structural engineers. Manufacturers could definitely work on getting their tanks registered as a privy tank though. Technically all of these systems should have a registered privy tank specified in the design. There is nothing that says you can't use a tank that is not registered, but it has to meet all of the requirements in the rule specifications. The registration is really a step that avoids the LGU needing to be the one to make a determination on the tank's adequacy. There is room for an LGU to review the tank that is proposed. There is also the Type V option that can be used also; so, there are multiple options here. LGUs can always contact us to work through this further.

2. Composting toilets and urine diversion, Scott Robinson

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- a. Primitive structures, most want to install urine diverting toilet. How to treat urine? Any studies done on water dilution, could rule language be developed?

Scott asked if there is guidance for composting toilets and urine diversion.

Sara stated that there are systems out there that divert urine, but whether these meet plumbing code in Minnesota is unsure of.

Cathy Tran stated that DLI's position has been that composting technologies are regulated as privies under the MPCA; the plumbing code does not recognize composting toilets or privies.

Sara asked if these are interior composting toilets.

Scott answered yes; a seat that sits on a tank and hand cranks that then turn the waste into compost.

Cathy stated that any living structure installed after 2006 is required to provide a minimum amount of plumbing fixtures. There are some buildings or homes that did not adopt this, then the plumbing code exempted or did not recognize those buildings.

Scott stated that composting toilets are still being installed, and their request is being brought up regularly. Very off grid in these areas. Not typically a water source coming in. Having a fixture count is not very practical. Don't even have a well.

Cathy stated that this must be happening in not code-enforced areas. Unless there is a complaint, DLI won't follow up. The plumbing code and building code is statewide though. We administer commercial facilities in non-code enforced areas.

Scott stated that there are a couple of towns that have their own enforcement of plumbing code, then the state for the commercial facilities, but it's not clear that plumbing code is being followed. County is requiring that there is some sort of facility to deal with human waste. It's been enough of an issue that a Cook County regulator wanted to get some direction on this issue. May be very region specific. I will look into the plumbing code too to make sure their local ordinance isn't in conflict.

Brandon stated that there is a difference between the composting toilet being in the dwelling and being in a different structure (privy). The material from the composting toilet is considered septage and should be managed as septage. If you did urine diversion, this would still be considered septage and would have to be dealt with appropriately, like a pumper coming out. We've never had a discussion about the separation of urine and diversion. High nitrogen and high phosphorus are expected though. Not sure if we are set up to deal

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with a diversion system in rule currently though, other than stating that it is septage and must be dealt with as such. Also, not sure if the use across the state of urine diversion is enough to warrant a rule change.

3. Non-compliance issues
 - a. Leaky riser
 - b. The “soil separation/safety/septic tank” assessment is protective of the waters of the state, but is it enough?
 - c. Building sewer

Scott Robinson stated that are inspectors that will fail a system for a leaky riser. If it's not a safety issue, it's not really a compliance issue though. There has been a difference in opinions with this issue, so wanted to discuss. Also, now that we are combining plumbing and SSTS, there is this gray area between the house and the tank. An installer was on out a job, and the plumbing was substandard – was going uphill. I am the last one that wants more enforcement, but do we want to keep a limited definition of compliance? Can we overlap the house to the pipe, and is having these minimum standards for compliance enough?

Cathy Tran stated that there are two mechanisms that are considered an environmental hazard. If there are leaking issues, then it's an environmental issue for the MPCA to handle. From a DLI perspective, we deal with more new construction and we really don't have authority to enforce on environmental issues. If there was a complaint filed with us, we would connect with the county or local government authority. If its contaminated groundwater or subsurface groundwater, I assume there are MPCA regulations.

Scott stated that some of this could be new installation as well, prior to when the pipelayer card came in. Now that there is a crossover, who is or who can inspect the building sewer? Does the SSTS inspector (specific LGU inspector) have responsibility to look at new construction?

Cathy stated that the SSTS inspector can inspect the pipe to see if it meets the plumbing code. If it is commercial, then it would be a DLI inspector's responsibility. For a family home, it was agreed that the SSTS inspector may inspect the building sewer. In a code-enforced area, most of the LGUs have building officials, so they would do the inspections for the building sewers, except for commercial buildings which would be DLI responsibility. If there are issues, you can bring it up to the building officials, or regional inspector - they are the delegated inspector for building sewers.

Brandon stated that the MPCA has a factsheet that outlines who is responsible/delegated for each situation. Also, the inspection form asks if it backs up into the dwelling, so if the pipe is running uphill, it essentially would be an ITPHS according to SSTS rules. Building sewer is now considered SSTS in statute, so you can technically fail it.

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Cathy stated that I couldn't imagine a good building official wouldn't follow up with an issue - can reach out to DLI if nothing is working.

- Tire Chips as Distribution Medium, Chris Berg

Chris Berg stated that he is wondering where the MPCA stands about the use of tire chips as a distribution medium for a Type IV system.

Brandon stated that tire chips are not approved/registered, so using them for Type IV systems is not allowed. In regard to use in Type V systems, if it's approved by the LGUs and an engineer, then tire chips is an acceptable option. There are systems in the state that use tire chips, although there are concerns.

Gary Bruns stated that there are a number of challenges that come with tire chips, due to density, the makeup (for instance wires sticking out because a lot of the tires have metal/steel bands in them), keeping them clean on site, and then when you're done with the site, there are tire chips all over the site. They pose a lot of unique challenges as there is rebound and compression associated with their use.

Pete Otterness stated that if people want to use tire chips, they should be brought to the TAP as a registered distribution media.

Cody stated that tire chips have been suggested to the TAP in the past. Some of the biggest concerns surround decaying materials and leaching chemicals. Not sure how many studies have been done on tire chips. I think when we brought it up, how to define the standards to make sure they are the same shape and able to distribute effluent was a key issue. There are a lot of different ways these tire chips are processed.

Chris LeClair stated that tire chips are a decaying material unlike drainfield rock. Not sure what chemicals would leach from them. The other issue with their use relates to solid waste beneficial use.

Gary stated that there are standing beneficial use determinations. Often times tire chips are used as a solution for a reuse of material.

Chris LeClair stated that another issue discussed was disposal. When the homeowner replaces the system, do we have to take the tire chips out of the ground?

Brandon stated that the disposal of tire chips in a system would need to follow rules about disposal methods.

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