SSTS Advisory Committee Notes  
**September 9th, 1:00 PM**  
*Virtual via Teams*

Sara Heger, Brandon Montgomery, Aaron Jensen, Cody Robinson, Katie Dowlding, Eric V, Chris Priebe, Pete Otterness, Chris Berg, Sam Padelford, Jane Seaver, Tom Girtz, Mark Latterell, Gary Bruns, Brent Rud, Courtney Ahlers-Nelson, Scott Robinson, Sarah Borrell

1:00 – 1:10 PM  
Introductions, agenda review and vacancies on Committees. Sara Heger & Brandon Montgomery

1:10 – 2:00 PM  
MPCA Updates and discussion  
*Goal -- AC informed of ongoing activity and provides input and approval as appropriate*

- MPCA new staff – Aaron Jensen

Courtney Ahlers is the new Assistant Division Director for the MPCA’s Industrial & Municipal Divisions. Courtney has previous experience working within various divisions within the MPCA. She also served as the Minnesota Environmental Quality Board Planning Director, and spent a session working as a Legislative Coordinator.

Tim Luedtke was hired as an SSTS compliance and enforcement coordinator at the MPCA regional office in Duluth. Tim has also worked for the Minnesota Department of Natural Resources previously.

General staff update – At this time most of the MPCA SSTS staff are still working remotely but are doing infield inspections and in-person trainings when necessary.

- Grant Update – Brandon Montgomery

The grant period for low-income funds opened at the end of July and closed at the end of August. Over $2,000,000 was requested but only $1,500,000 million is available to grant. Distribution numbers are finalized, but there has been no communication out yet. BSWR received money that will be distributed (out to counties) as well. BSWR does the distribution for low-income funding, so the MPCA is working with BSWR to make sure distribution for both grant programs goes smoothly. The MPCA will be communicating funding numbers out in the next couple of weeks in conjunction with BSWR.

*Question: Is it correct that part of the money received can be used for administrative purposes?*  
*Brandon: Yes, up to 10% of the money received can be used for administrative purposes.*

*Sara Heger: There are infrastructure bills moving through the federal government. There is a significant amount of funding that could be available for decentralized purposes, targeted at very low income. The money is meant for individual property owners, versus large projects, etc. Currently included in the house and*

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**2021 meeting dates:** December 9
senate version of the infrastructure bills and it’s estimated that this will likely be voted on in September. If passed, moving the money from the federal government into people’s hands may be a challenge as the mechanisms are not in place.

- Training & Certification Update – Jane Seaver

The MPCA timeframe for when certification expirations are being managed with regulatory flexibility ends on December 31, 2021. The conditional certification was adopted to deal with Covid delays and cancellations. Since March of 2020, no certifications expired and all have been automatically renewed. Individuals with expirations dates in this window who have not fulfilled their continuing education requirement due to the closure of workshops will be issued a conditional certification. Individuals with a conditional certification have three years to make up missed education in addition to the education already required for their renewal. About 525 people were awarded conditional certifications. Starting January 1, 2022, the MPCA will no longer automatically renew and award conditional certifications and certifications will expire if continuing education hours are not met. Reminder letters are starting to be sent to individuals informing them of the classes they are required to complete. About 100 individuals have made up the continuing education hours that were missed. About 420 individuals are working with conditional certifications.

Question: What is the timeframe for processing approvals for new certifications.
Jane Seaver: The MPCA must reply to the applicant within 60 days, but right now, it is taking around four weeks.

Question: Can someone sign off on an experience plan for work done if the apprentice has a different mentor?
Jane Seaver: To sign off on an experience plan, you must be identified as a mentor. This is accomplished by submitting an application that both the mentor and apprentice sign, an important component of mentorship is determining the liable business or government agency for the mentored work.

Question: Is there any chance that the certification flexibility will be extended?
Jane Seaver: It is expected that there will not be an extension. The current regulatory flexibility operating through the end of the year is beyond what the rest of the MPCA is doing. Information will be gathered from people who want to make a case that there should be an extension and passed on to the people are involved in that decision process but at this time an extension is not expected.

- 2020 Annual Report, Katie Dowlding

The 2020 SSTS Annual Report has been published on the MPCA’s website. Respondents reported a total of 618,102 SSTS across Minnesota. LGUs issued 12,368 construction permits for 5,185 new systems and 7,183
replacement systems in 2020. Of the permits issued, 97% were for residential dwellings and 3% were for other establishments. LGUs reported 15,764 compliance inspections of existing systems. LGUs estimated that 81% (505,300) of SSTS in Minnesota comply with applicable rules and function properly. SSTS certification and licensing data is included in the 2020 SSTS Annual Report.

In December 2021, local governmental units with SSTS programs will be contacted by the MPCA to complete and submit the 2021 annual report survey by February 1, 2022. No significant updates have been made to the 2021 annual report survey. Please direct any SSTS Annual Report inquiries to Katie Dowlding.

- Septic Smart Week, Brandon Montgomery

A governors proclamation announcing Septic Smart Week in Minnesota is expected. Septic Smart Week is September 20-24th this year and will be communicated through the MPCA social media accounts.

- Technical Advisory Panel, Katie Dowlding and Cody Robinson

The setting for future TAP meetings is still undecided; hosting meetings virtually, in-person, or through a combination of these are being considered. The last TAP meeting was on July 22, 2021 and was virtual. The next TAP meeting will be on Oct 21, 2021 and will be virtual. The remaining TAP meetings for this year include the December 16, 2021 meeting.

Currently, there are no TAP vacancies.

A new treatment product, Aero-Stream’s Aerobic Treatment Units (ATUs), was registered at the July TAP meeting. The Aero-Stream ATUs are designed to fit most existing tanks and utilize extended aeration and attached growth media. The AS500-1 model was registered for Treatment Level C. The AS500-2 and AS500-3 models were registered for Treatment Level B-2. The Aero-Stream registration letter is currently being drafted and will be published when finalized.

There was a request to modify Clarus Fusion’s registration to include Treatment Level A-2 based on new NSF data. The TAP determined the data was acceptable and Clarus Fusion registration will be updated to reflect Treatment Level A-2.

Infiltrator will be modifying the molds used to produce the approved Arc 36 and Arc 36 HC chambers. This modification is not affecting the registration as the functionality is staying the same.

A representative for Prinsco Pipe contacted the MPCA regarding registering a distribution media product. They were provided the information needed to submit an application to the agency.

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2021 meeting dates: December 9
Knight Treatment Systems contacted the MPCA about registering a treatment product. They do not have any NSF testing, but expressed interest in HSW registration.

TAP has been working on an updated HSW registration process. Unlike residential strength waste systems, high strength waste does not have a national protocol. Since 2008, HSW products in Minnesota have been conditionally registered with an expectation that the performance of systems installed in Minnesota will be verified to make sure they are working properly. The existing process established for verification was not effective. In 2019, an updated process was proposed to the TAP and product manufacturers that were invited to provide feedback. At the July 2021 TAP meeting, a finalized process was proposed and accepted. The next step will be communicating this process to manufacturers. The new framework outlines expectations for new HSW products, expectations for existing HSW products, and defines what data is to be collected and delivered to the TAP for verification.

2:00 PM – 2:30 PM   Member topics

*Goal – Members bring up topics for discussion and consideration*

1. Modular structures with interior holding tanks, Sara Heger

Sara Heger provided a brief background on a modular structure project and was curious if others had experience. These modular structures are meant to be a bathroom, permanently placed, and are designed to have the holding tank built in underneath the structure. It was noted that modular structures are exempt from some building code requirements. The question posed is if and how these meet the plumbing code and SSTS rules. Sara noted that it would be useful to have information regarding modular structures agreed upon for proposed future projects.

There was discussion regarding whether it is an issue that the tanks used would not be registered with the state. It was stated that the modular bathroom would have to meet the holding tank requirements and would need an engineer to sign off on them.

DLI has a factsheet on tiny homes, and it includes some information on industrialized/modular buildings that might also be helpful in this situation. Sara Heger will follow-up with the group if more specifics are obtained.

2. Resolving conflicting reports on tank certification, Gary Burns

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Gary Bruns inquired about how to resolve a situation in which two inspectors have conflicting reports on tank certification; one determined the tank to be passing and the other determined the tank to be failing due to tree root intrusion.

MPCA response: There are no dispute resolution procedures in rule for issues outside of soil disputes, but the agency does plan to develop rule language for non-soil disputes in the future. It is recommended that the LGU facilitate a dispute resolution process modeled after the rule language for soil disputes.

Gary Bruns clarified that the root intrusion is above the operating level and requested the MPCA to clarify the interpretations or roots intrusion and a sealed tank, lid, and risers.

MPCA response: Intrusions above the operating depth do not constitute a failure. The compliance criteria for existing systems does not require the tank to be watertight below the operating depth. Maintainers are required to report the integrity above and below the operating depth to the homeowner. Tank integrity assessments do not require failure for tank penetrations above the operating depth; however, documenting situations that do not constitute noncompliance is good practice and beneficial to the homeowner.

3. Using a maintainers footage for compliance inspection, Gary Bruns

Gary Bruns explained a situation where a maintainer provided footage showing a crack in the tank to the compliance inspector who was not present at the time of pumping and was wondering if there is any issue using this evidence to assist the compliance inspector in their determination.

The MPCA saw no issues with this practice as the maintainer is a certified individual. It was stated that including that the inspector used video from the maintainer in the report notes would be a good practice.

The next AC meeting is on December 9, 2021 and the format is still to be determined. More information on the meeting will be shared closer to the meeting.