

# SSTS Advisory Committee Meeting

3-12-15

**Attendee's:** Marilee DeGroot, Sara Heger, Aaron Jensen, Mark Wespetal, Ron Thompson, Pete Otterson, Cathy Tran, Gene Soderbeck, Terry Neff, Ron Jaspersen, Jeff Iverson, Jim Larsen, Cindy Tiemann, Mark Erickson, Chris LeClair, Jim Lashinski, Nick Haig, Loren Kohnen, Jim Ziegler, and Aaron Wills

9:30 – 10:00 AM      Coffee, treats and conversation

10:00 – 10:10 AM      Introductions, agenda review and appointments and vacancies on Committees. Sara Heger & Aaron Jensen – Sara welcomed the group and introduced some of the new member. Sara also added a few topics: Holding tank watertightness testing requirements, holding tanks and lot creation, freezing septic systems, and compliance with operating permits.

10:10 – 10:30 AM      MPCA short update items  
*Goal -- AC informed of ongoing activity*

1. 2014 Annual Report, Aaron Jensen

Aaron provided a handout (attached) to summarize some of the data that has been collected and tabulated so far for the 2014 annual report. We are still missing about 15 cities and 8 townships out of approximately 260 programs. The data will soon go to the data folks at the MPCA for development of the tables and graphs for the annual report document.

2. Talking Tour Update, Aaron Jensen

Aaron provided a talking tour update for the group. There were 13 meetings held and a total of 93 people attended the meetings. Those attendees came from 54 counties, 7 cities, and 20 townships/other jurisdictions. Fewer meetings were held this year versus last year when more discussion was needed at these meetings in regards to the county ordinances. As a result the attendance level dropped, but overall all meetings were a success and the MPCA received numerous feedback that these meetings were helpful and needed. The agency will continue to offer these meetings.

3. Un-sewered Update, Aaron Jensen

Aaron provided a reminder to counties that have not returned the unsewered information to get that back to the MPCA as soon as you can. Terry asked what this is being used for again. Jim provided an overview of the unsewered program. Pete talked about that the data on the spreadsheet that they are working on doesn't represent the correct population. He is worried that this may be a problem. The definition was too inclusive and not clear. Pete thought it meant all areas should be included on the list and not just unsewered or undersewered. Gene spoke about the unsewered goals. Identifying unknowns and developing a list of needs and using that to find a funding source to fix these areas. Ron T asked if there was left over money from our current grants. Gene explained that all of the money we have gets distributed. Actually we didn't have enough to give out versus requests. Cathy asked a point of clarification on holding tanks. Holding tanks would not be considered unsewered. Cindy asked if a city was all on individual systems than would they be considered unsewered. Gene said if they are all

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good then check them off the list. Terry mentioned that they will probably need another survey, because they didn't take off the ones that are nonconforming. Mark W. said that the 2008 survey was more about houses on a single pipe and not about individual systems. He stated that most of the individual systems are caught with their local triggers. Jim talked about how most of the work on these communities over the last 10 years has been taking place in the southern part of the state.

10:30 – 11:00 High strength wastewater Designer issue, Jim Ziegler and Gene Soderbeck

*Goal -- AC informed of ongoing activity and provides suggestions and feedback*

Jim provided an overview of the history of who can do the work. Through new discussions and many meetings the current decision is that Intermediate professionals can do HSW. The agency is currently working on the process needed to make sure professionals are informed and have the appropriate training to be able to do HSW. The training for the current individuals who are Intermediates will be updated on HSW at their normal continuing education. Sara explained some of the obstacles with the training changes that need to take place for intermediates and advanced professionals. The U of M will work on aligning the training to the tests and the need to know. It will take some time to get this accomplished. The U of M believes that the CE class related to HSW must be required for Intermediate since it was not included in the training. Nick talked about how we need to better define what is HSW and how we need to deal with HSW as far as system design. Mark explained that this issue is much bigger than who can do the work. Currently most other establishments are not being treated as a HSW. There was a long discussion amongst the group on what sites are typically HSW. Sara mentioned that they will recommend having a HSW CE that intermediates have an option to take as their normal CE. The group thought that was a good idea to have as an option. There will be more information on this topic as things progress.

11:00 – 12:00 AM Legislation Updates

*Goal -- AC informed of ongoing activity and provides suggestions and feedback*

1. Flows for Other Establishments Seasonal (Campgrounds ) HF79 and SF681, Jim Ziegler and Gene Soderbeck

[www.revisor.mn.gov/bills/text.php?number=SF681&version=0&session\\_year=2015&session\\_number=0](http://www.revisor.mn.gov/bills/text.php?number=SF681&version=0&session_year=2015&session_number=0)

Jim handed out a copy of the legislation (link above) and explained what this was and what this means. This is the legislation that was introduced by the campground group. Jim pointed out that this is specifically for campgrounds and for facilities that are open for less than 180 days. The campground group has just stated that they would like to add resort to the proposed legislations. Chris asked if the rule will need to be amended. Jim explained that some revisions will be needed and the agency will also look at changing the use of the statement "greater of" when determining the flow by measured flow or the tables, which will change everyone and not only campgrounds, but the change is viewed as needed and necessary. Using actual flows for existing system just makes sense. There was a lot of discussion about the topic and flow determination. The MPCA will work on making sure the flow determination process is

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adequately defined. Kathy brought up the question of what if using this new legislation changes currently state permitted sites to fall under the 10,000 gpd threshold. Do they go back to the county or does the state keep those? Jim explained that the MPCA has not discussed how that would be handled yet. Ron J explained that MOWA is proposing a legislative initiative that is completely different than the current proposed legislation by the campgrounds. He provided a quick overview of the proposal. It has been turned over to their lobbyist and the status is looking like it won't get into a hearing at the legislation. It sounds like the campgrounds are willing to discuss it with MOWA. The MPCA is going to meet with MOWA next week to discuss the MOWA proposal.

## 2. Build Sewer- HF 1326, Nick Haig

[www.revisor.mn.gov/bills/text.php?session=ls89&version=latest&number=HF1326&session\\_number=0&session\\_year=2015](http://www.revisor.mn.gov/bills/text.php?session=ls89&version=latest&number=HF1326&session_number=0&session_year=2015)

[www.house.leg.state.mn.us/hrd/bs/89/HF1326.pdf](http://www.house.leg.state.mn.us/hrd/bs/89/HF1326.pdf)

Nick provided an overview of the bill to the group (link above). This is the building sewer process that the MPCA and all parties have been working on over the past year. Currently it is still moving forward in legislation, with little discussion and no resistance. Nick also explained the new CE proposal that will likely be added to the current bill. The MPCA has been working with MOWA and the U of M to identify a balanced solution to the amount of time and number of exams that must be taken to become recertified after an individual missing their continuing education requirement. Cindy asked of the MPCA looked at other agencies on how they handle their certifications. Nick explained who we looked at and how we used that information. Nick asked if the group was comfortable with the solution proposed would like to make a motion to support bringing it forward into legislation or if they wanted to suggest any changes. Loren talked about other certifications allowing a one year grace period and not charging a fee or making them retest. He feels that is fair. Pete asked what the percentage of people that this affects is. Nick said it's about 1 to 2 percent. Terry asked about any exceptions like active duty. Nick stated that the one exception we do have now is for active duty. Jim L made a motion to support the proposal, second by Loren. Passed majority. 3 nays.

12:00 – 1:00 Lunch – ordered from menu and everyone pays for their own.

1:00 – 2:00 Member items for discussion

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

## 1. Land Application regulations/rules - specifically to the need for the MPCA Management Guidelines be updated to correspond with the minimum standards of the 503's, Marilee DeGroot

Marilee explained the topic and handed out some information for the group. Rice County is a county that has chosen to manage and enforce the land application rules as opposed to the MPCA doing that job. She has been in contact with Gene and there are agency staff currently working on updating the document. If you have any other comments please provide them to Marilee and Gene.

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2. Holding tank testing requirements (Roger Berggren). Does every holding tank need to be tested for watertightness? After much discussion Gene stated that the plain read of the rule is that holding tanks should follow the same testing requirements as the rest of the tanks (septic, pump, etc), which is one tank per model per year. The holding tank section says every holding tank, but then refers to 7080.2010 subpart 3, which states that only one tank per model per year is required. There was discussion in favor of this interpretation and not in favor of this interpretation. Ron J explained how his company tests tanks. Sara felt that the rule language does require them to all be tested. Nick read the SONAR from the 2008 rule making process. It will be referred to legal council to make the determination.
3. Holding tanks and lot creation (Roger Berggren). They would require a variance to develop a lot with holding tanks. How would that pertain to other types of systems? Gene stated that the rule is clear that two type I sites are required for new lot creations. Sara would say that they have to have two type I sites or a variance or a good process developed to deal with how systems will be constructed on sites that do not meet the type I requirements. We need to talk to Roger to clarify his questions better, to makes sure we understand the questions.
4. Freezing septic systems. What is the extent? Jim L stated that it has been worse this year than any other year. Cindy's company has pumped 260 systems in the last 14 days. Jim L. and Cindy said that they have encountered just about every type of freezing. All ages and all types. Ron J talked with a maintainer that had 70 within a week. Cindy said that systems didn't really freeze early in the winter, but it has just recently ramped up within the last two weeks. She also stated that they were probably 50% pump systems versus 50% gravity systems freezing. Jim Z talked about his experience with freezing septic systems at his residence.
5. Compliance with operating permits. How to compel compliance with Operating Permits? Service Providers is obligated to submit locally required operating permit reports per 7083.0780 Subp. 2A. The AC discussed ideas to compel compliance that ranged from local communication to escalated local and state enforcement:
  - a. LGU notify system owner of non-compliant status and identify risks to continued non-compliance
  - b. LGU send SP and system owner letter with CC to County Commissioner
  - c. LGU work with County Attorney to issue owner a cease and desist civil injunction
  - d. Ask MPCA to send LOW or AVL, (CC County Commissioner) to SP citing 7083.2020 Subp 1 item B
  - e. Explore MPCA ticketing authority (same rule reference)
  - f. For FBL, work with MDH to threaten license to operate based on non-compliant status of the system

Meeting adjourned at 2:00

Next meeting – June 11<sup>th</sup> – via conference call

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**March 11, 2015 (Updated with annual report data through March 11, 2015)**

**Table xx. Responses to jurisdictional-wide SSTS questions related to dwellings asked of each local unit of government for 2014.**

SSTS dwelling information	Number reported in 2014
Full time dwellings with SSTS	433,393
Seasonal dwellings with SSTS	88,689
Cluster SSTS	798
Dwellings served by cluster SSTS	7,601
Other establishments served by SSTS	8,672
Total number of SSTS reported for 2014 (includes dwellings on cluster systems)	531,795

*Note: Numbers in tables from received annual report data as of March 11, 2015 (includes all counties except Ramsey County). We are missing annual reports from about 15 cities and 8 townships.*

**Table xx. Summary of inspections in 2013 and 2014 along with the number of noncompliant properties connected to central sewer, abandoned or removed and mitigated through a buyout.**

Year (Total)	New and replacement system permits/inspections	Existing system compliance inspections	Connected to central sewer	Abandoned or removed	Government buyout
2014	9,420	12,805	563	214	34
2013	9,207	11,566	344	213	12
<b>Total</b>	<b>18,627</b>	<b>24,371</b>	<b>907</b>	<b>427</b>	<b>46</b>

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*This adds up to 44,378 ‘pieces of work’ over two years – including permitting and construction inspections of new and replacement systems, compliance inspections of existing systems, and systems connected to central sewer, abandoned or removed systems, and systems bought out via a program.*

**Table xx. Preliminary Data Summary for the 2013 and 2014 Annual SSTS Report.**

System Type	System Subtype	Residential	Residential	Other Establishment	Other Establishment	Total
		2013	2014	2013	2014	2013 + 2014
<b>Type I</b>	Trench/Rock	1,261	991	35	24	2,311
	Trench/EZ flow	22	19	-	0	41
	Trench/Chambers	909	894	29	31	1,863
	Beds/Seepage and Pressure	1,125	1,225	24	23	2,397
	Mounds	3,478	3,703	70	66	7,317
	At-Grades	401	435	8	12	856
<b>Type II</b>	Privies, Holding Tanks, Floodplains	671	840	104	147	1,762
<b>Type III</b>	Old Other Systems	449	498	19	16	982
<b>Type IV</b>	Registered Treatment Products	68	52	10	7	137
<b>Type V</b>	Engineered Systems	3	2	0	1	6
<b>Total</b>		<b>8,387</b>	<b>8,659</b>	<b>299</b>	<b>327</b>	<b>17,672</b>

# Land Application of Septage Federal Rules & State Guidelines

## Minnesota Pollution Control Agency

'Septage and Restaurant Grease Trap Waste Management Guidelines *August 2002*

&

**EPA 40 CFR 503.33** 'A Guide to the Federal EPA Rule for

Land Application of Domestic Septage to Non-Public Contact Sites'

Since only a small percentage of WWTF accept septage there is an abundance of Septage being land applied giving warrant to updating the 2002 'Guidelines' to correspond with the EPA 503's.

Variables are confusing and confusion increases the possibility of mistakes being made ' by Maintainers/ Regulators and makes it difficult for a Regulator to enforce whether it be the LUG that has adopted Land Application into their Ordinance, or the Agency itself.

\*Some updates have been already performed in the 3-ring MANUAL.

### Examples of needed updates:

Definitions: Pumper should be revised to Maintainer

Highly Permeable soil: should this reflect % rock fragments >2mm and 'sands' ?

Additional definitions needed

Septage Storage Requirements: update to allow <50,000 gallons

Suitable Soil Conditions: remove fine sand, loamy sand, ? Add

Incorporation within 48 hours is incorrect and should be 6 hours (identified in several different areas)

Tables could be revised to be easier to understand, add property boundary to minimum separation distances

4.1 Specific Nitrogen Management Requirements: a. After the **second** cutting of a hay crop the septage application rate must be reduced to supply no more than half of the MANA rate for the cropping year.

I was informed by the Agency that this is to instead be interpreted as '**Last**' cutting.

### Suggested Updates:

Application Rate Worksheet (vehicle speed-swath width-loads per site) ?form availability

Reference suitable soil conditions per NRCS Web Soil Survey: Report of Sanitary Facilities Suitability and Limitations for Use rating for type of application, Saturated Hydraulic Conductivity (Ksat), Water Holding Capacity

Tile drainage: Tiling must be adequate to ensure the separation distance can be maintained.—HOW ?

? Pumper Qualifications: All septage must be land applied by a state of MN licensed pumper ?DRP

Should consult Licensed Maintainers for additional suggestions.