

DEPARTMENT: POLLUTION CONTROL AGENCY

STATE OF MINNESOTA

SF-00006-05 (4/86)

Office Memorandum

DATE: April 19, 2007

TO: Judge Eric Lipman
Office of Administrative Hearings

FROM: Gretchen Sabel
SSTS Coordinator, Municipal Division

PHONE: 651-296-7773

SUBJECT: Additional Materials for the Minnesota Rules Chapter 7080 Rulemaking Hearing

Attached are additional documents for inclusion in the rulemaking record. They are:

1. Clarification on MPCA's position on the infield validation of soils covered in the attached document, "Soil Verification; Explanation of Intent and Suggested Changes to Noticed Rule".
2. The new "Design Guidance for Large Subsurface Wastewater Treatment Systems (LSTSs) March 2007" posted on the MPCA website in March, 2007 (<http://www.pca.state.mn.us/publications/wq-wwpm8-01.pdf>). This is an updated version of the current Exhibit 126. It is included to show the rigor that MPCA applies in review of Large Subsurface Sewage Treatment system permit applications. These systems have flows equal to or greater than 10,000 gallons per day, and are permitted at the state level by MPCA, not locally. The new MSTs rules (the proposed chapter 7081) are intended to be a midpoint in rigor between what's required for LSTS and ISTS.
3. A updated factsheet prepared by MPCA titled, "Nitrogen in Minnesota's Ground Water and Surface Water" detailing Nitrogen concerns in wastewater treatment. This was developed to be posted on the MPCA website to assist the regulated community in understanding MPCA's position on this issue.
4. A document prepared by MPCA titled, "MPCA Summary of Contractor Review of Small Community Wastewater System Planning, Design, Construction, and Operation Needs (4-07)" that describes the results of investigation into several small community wastewater treatment facilities where various factors contributed to them not treating wastewater effectively. This is included to further document the need for updated regulations governing MSTs.
5. A memo from Mark Wespetal, MPCA hydrologist, documenting one example of an LSTS that documents groundwater nitrogen concentrations well in excess of the 10 mg/l drinking water standard. This further documents the need for consideration of nitrogen impacts in design, construction and operation of MSTs since they have similar impacts to groundwater as LSTS.
6. A memo from Barb McCarthy, MPCA regional staff, listing example counties that currently administer operating permits and a blank operating permit template currently in use in Rice County. These are included here to show that operating permits are not unknown to all Minnesota counties and that examples exist that can be used in developing these regulatory tools. In addition, several commenters suggested that management plan templates should also be developed. These are

currently developed and can be found on the University of Minnesota's Onsite Sewage Treatment Program website at:

<http://septic.umn.edu/professional/worksheets/blankforms/070223mgntplaninground.pdf> for in-ground systems and

<http://septic.umn.edu/professional/worksheets/blankforms/070223mgntplanmound.pdf> for mounds.

7. A memo from Hannah Pierce, MPCA student worker, which describes the types of organizational structures that can be used to satisfy the MSTs ownership requirements in part 7081.0130. Her analysis is based on the attached factsheet from the University of Minnesota titled, "Introduction to Organizational Structures Used to Manage Individual, Cluster and Community Wastewater Treatment Systems" which can also be found on the University's website at: <http://septic.umn.edu/scwep/organizational/index.html> .

Thank you for including these in the record.