

A bill for an act  
relating to environment; delaying local ordinance adoption requirements  
regarding subsurface sewage treatment systems and modifying certain advisory  
committee requirements; amending Minnesota Statutes 2009 Supplement,  
section 115.55, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2009 Supplement, section 115.55, subdivision 3, is  
amended to read:

Subd. 3. **Rules and duties.** (a) The agency shall adopt rules containing minimum  
standards and criteria for the design, location, installation, use, maintenance, and closure  
of subsurface sewage treatment systems. The rules must include:

- (1) how the agency will ensure compliance under subdivision 2;
- (2) how local units of government shall enforce ordinances under subdivision 2,  
including requirements for permits and inspection programs;
- (3) how the advisory committee will participate in review and implementation of  
the rules;
- (4) provisions for nonstandard systems and performance-based systems;
- (5) provisions for handling and disposal of effluent;
- (6) provisions for system abandonment; and
- (7) procedures for variances, including the consideration of variances based on cost  
and variances that take into account proximity of a system to other systems.

(b) The agency shall ~~consult~~ work in collaboration with the advisory committee  
before adopting rules or making amendments to rules under this subdivision.

(c) The rules required in paragraph (a) must also address the following:

(1) a definition of redoximorphic features and other criteria that can be used by system designers and inspectors;

(2) direction on the interpretation of observed soil features that may be redoximorphic and their relation to zones of periodic saturation; and

(3) procedures on how to resolve professional disagreements on periodically saturated soils.

(d) The agency shall work in collaboration with the advisory committee and its partner local units of government to create elective enhanced subsurface sewage treatment standards that a local unit of government may opt to incorporate into their ordinance where the local unit of government believes additional regulation is necessary to achieve the goals of this section.

(e) The agency shall provide the local units of government an annual summary of all subsurface sewage treatment system complaints received, general status of each complaint and number of enforcement actions taken, and monetary penalties collected.

Sec. 2. **SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE**  
**ADOPTION DELAY.**

(a) Notwithstanding Minnesota Statutes, section 115.55, subdivision 2, a county may adopt an ordinance to comply with the revisions to subsurface sewage treatment system rules adopted February 4, 2008, within four years. A county must continue to enforce its current ordinance until a new one has been adopted.

(b) The advisory committee defined under Minnesota Statutes, section 115.55, subdivision 1, paragraph (b), shall submit written comments on the subsurface sewage treatment system rules adopted February 4, 2008, to the commissioner of the Pollution Control Agency. The commissioner shall provide the advisory committee with written acknowledgment of all advisory committee recommendations within 30 days of receipt, including an indication of whether the agency will follow each recommendation of the advisory committee and explanations of why the agency proposes not to follow any particular recommendation of the advisory committee.

(c) The advisory committee and the Pollution Control Agency shall work in collaboration on amendments to the agency rules adopted on February 4, 2008, and any subsequent amendments. The advisory committee shall make specific recommendations on the rules and any subsequent amendments.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.