

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, subdivisions 3, 12.

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.** (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 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.

Sec. 2. Minnesota Statutes 2009 Supplement, section 115.55, subdivision 12, is amended to read:

Subd. 12. **Advisory committee; county subsurface sewage treatment system management plan and rules.** (a) A county may adopt a subsurface sewage treatment system management plan that describes how the county plans on carrying out subsurface sewage treatment system needs. The commissioner of the Pollution Control Agency shall form an advisory committee to determine what the plans should address. The advisory committee shall be made up of representatives of the Association of Minnesota Counties, Pollution Control Agency, Board of Water and Soil Resources, Department of Health, and other public agencies or local units of government that have an interest in subsurface sewage treatment systems.

(b) The advisory committee shall advise the agency on the standards, management, monitoring, and reporting requirements for performance-based systems.

(c) The advisory committee shall work in collaboration with the agency on amendments to agency rules made under this section.

Sec. 3. **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.

(b) The advisory committee established under Minnesota Statutes, section 115.55, subdivision 12, 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, 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.

- 3.1 Sec. 4. EFFECTIVE DATE.
- 3.2 Sections 1 to 3 are effective the day following final enactment.