

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 1853

(SENATE AUTHORS: HAWJ)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Policy and Legacy Finance

1.1 A bill for an act
1.2 relating to environment; requiring public notice of wastewater overflows, bypasses,
1.3 and releases from publicly owned treatment works; amending Minnesota Statutes
1.4 2020, section 115.061.

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

1.6 Section 1. Minnesota Statutes 2020, section 115.061, is amended to read:

1.7 **115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.**

1.8 (a) Except as provided in paragraph (b), it is the duty of every person to notify the agency
1.9 immediately of the discharge, accidental or otherwise, of any substance or material under
1.10 its control which, if not recovered, may cause pollution of waters of the state, and the
1.11 responsible person shall recover as rapidly and as thoroughly as possible such substance or
1.12 material and take immediately such other action as may be reasonably possible to minimize
1.13 or abate pollution of waters of the state caused thereby.

1.14 (b) Notification is not required under paragraph (a) for a discharge of five gallons or
1.15 less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not
1.16 affect the other requirements of paragraph (a).

1.17 (c) Immediately after notifying the agency of a sanitary sewer facility overflow,
1.18 wastewater bypass, or wastewater release, a publicly owned treatment works permittee must
1.19 provide notice of the event to the public and to any drinking water facility downstream of
1.20 the permittee that may be impacted by the event. In addition, the permittee must immediately
1.21 post a written notice at each area used by the public, such as swimming beaches, boat
1.22 launches, and playgrounds, where the area may be directly impacted by released material.
1.23 A notice under this paragraph must include the date and time of the release and the volume

2.1 of released material; a description of the nature of the material released; and the permittee's
2.2 contact information. Notice to the public and drinking water facilities must be made directly
2.3 by any feasible means such as in person, phone call, radio, social media, or other expedited
2.4 form. Notice must also be posted electronically on the permittee's website and provided
2.5 directly to any person requesting notification. The permittee must maintain a list of persons
2.6 requesting notification. When the overflow, bypass, or release ends and initial corrective
2.7 actions to manage the overflow, bypass, or release are completed, the permittee must provide
2.8 a second notice in the same manner as each of the initial notices. The second notice must
2.9 include information on the end of the overflow, bypass, or release; corrective actions taken;
2.10 and follow-up monitoring that may occur. Wastewater permits issued or renewed on or after
2.11 the effective date of this section must include language requiring notices according to this
2.12 paragraph.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.