

2.1 that may include, but need not be limited to, soil separation, soil classification, vegetation,
2.2 system use, localized well placement and construction, localized density of systems
2.3 and wells, extent of area to be covered by local standards, groundwater flow patterns,
2.4 and existing natural or artificial drainage systems. The local standards must provide
2.5 cost-effective and long-term treatment alternatives. The draft ordinance incorporating the
2.6 local standards must be submitted with justification to the commissioner 30 days before
2.7 adoption for review and comment.

2.8 (c) **New or replacement systems; local ordinances.** A local unit of government
2.9 may adopt and enforce ordinances or rules affecting new or replacement subsurface
2.10 sewage treatment systems that are more restrictive than the agency's rules. A local unit
2.11 of government may not adopt or enforce an ordinance or rule if its effect is to prevent or
2.12 delay recording with the county recorder or registrar of titles of a deed or other instrument
2.13 that is otherwise entitled to be recorded.

2.14 (d) **Local standards; conflict with state law.** Local standards adopted under
2.15 paragraph (a) or (b) must not conflict with any requirements under other state laws or rules
2.16 or local ordinances, including, but not limited to, requirements for:

- 2.17 (1) systems in shoreland areas, regulated under sections 103F.201 to 103F.221;
2.18 (2) well construction and location, regulated under chapter 103I; and
2.19 (3) systems used in connection with food, beverage, and lodging establishments,
2.20 regulated under chapter 157.

2.21 Alternative local standards for new or replacement residential systems with flow of
2.22 2,500 gallons per day or less may be applied to systems listed in clause (1), provided the
2.23 alternative standards are no less stringent than provisions of Minnesota Rules, chapter
2.24 7080, that went into effect on April 3, 2006. In addition, alternative local standards for
2.25 new or replacement systems with flow of 2,500 gallons per day or less may be applied to
2.26 systems listed in clause (3), provided the alternative standards are no less stringent than
2.27 provisions of Minnesota Rules, chapter 7080, that went into effect on April 3, 2006,
2.28 except that the waste strength must meet the standards established in Minnesota Rules,
2.29 part 7080.2150, subpart 3, item K. If additional treatment of waste is needed to meet this
2.30 standard, the treatment must be in accordance with Minnesota Rules, part 7080.2150,
2.31 subpart 3, item A. The local standards must include references to applicable requirements
2.32 under other state laws or rules or local ordinances. Nothing in this paragraph prevents
2.33 a local subsurface sewage treatment system ordinance from including provisions of the
2.34 current rule as part of the alternative local standards.

2.35 Sec. 2. **RULEMAKING.**

S.F. No. 2260, as introduced - 87th Legislative Session (2011-2012) [12-5525]

3.1 The commissioner of the Pollution Control Agency must amend Minnesota Rules
3.2 to conform to section 1. The commissioner may use the good cause exemption under
3.3 Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota Statutes,
3.4 section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.