

Presented to the governor May 18, 2004

Signed by the governor May 26, 2004, 9:00 p.m.

### CHAPTER 248—H.F.No. 2040

*An act relating to water; modifying provisions relating to warrantied sewage treatment systems; creating a certification program for new wastewater treatment technology; appropriating money; amending Minnesota Statutes 2002, section 115.55, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 115.*

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

Section 1. Minnesota Statutes 2002, section 115.55, subdivision 9, is amended to read:

Subd. 9. **WARRANTIED SYSTEMS.** (a) An individual sewage treatment system may be installed provided that it meets all local ordinance requirements and provided the requirements of paragraphs (b) to (d) (e) are met.

(b) The manufacturer shall provide to the commissioner:

(1) documentation that the manufacturer's system was designated by the agency as a warrantied system as of June 30, 2001, and or the system is a modified version of the system that was designated as a warrantied system and meets the size requirements or other requirements that were the basis for the previous warrantied system classification; or

(2) documentation showing that a minimum of 50 of the manufacturer's systems have been installed and operated and are under normal use across all major soil classifications for a minimum of three years;

~~(3) (c) For each system that meets the requirements of paragraph (b), clause (1) or (2), the manufacturer must provide to the commissioner:~~

(1) documentation that the system manufacturer or designer will provide full warranty effective for at least five years from the time of installation, covering design, labor, and material costs to remedy failure to meet performance expectations for systems used and installed in accordance with the manufacturer's or designer's instructions; and

(4) (2) a commonly accepted financial assurance document or documentation of the manufacturer's or designer's financial ability to cover potential replacement and upgrades necessitated by failure of the system to meet the performance expectations for the duration of the warranty period.

(e) (d) The manufacturer shall reimburse the agency an amount of \$1,000 \$2,000 for staff services needed to review the information submitted pursuant to ~~paragraph~~

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paragraphs (b) and (c). Reimbursements accepted by the agency shall be deposited in the environmental fund and are appropriated to the agency for the purpose of reviewing information submitted. Reimbursement by the manufacturer shall precede, not be contingent upon, and shall not affect the agency's decision on whether the submittal meets the requirements of ~~paragraph~~ paragraphs (b) and (c).

(d) (e) The manufacturer shall provide to the local unit of government reasonable assurance of performance of the manufacturer's system, engineering design of the manufacturer's system, a monitoring plan that will be provided to system owners, and a mitigation plan that will be provided to system owners describing actions to be taken if the system fails.

(e) (f) The commissioner may prohibit an individual sewage treatment system from qualifying for installation under this subdivision upon a finding of fraud, system failure, failure to meet warranty conditions, or failure to meet the requirements of this subdivision or other matters that fail to meet with the intent and purpose of this subdivision. Prohibition of installation of a system by the commissioner does not alter or end warranty obligations for systems already installed.

## Sec. 2. [115.59] **ADVANCED TREATMENT SYSTEMS.**

Subdivision 1. DEFINITIONS. The definitions in this subdivision apply to sections 115.59 to 115.60.

(a) "Agency" means the Pollution Control Agency.

(b) "Biodigester and water reclamation systems" or "system" means a residential wastewater treatment system that separately collects and segregates greywater from blackwater to be mechanically or biologically treated for reclamation and safe consumptive use or discharge above or below the surface of the ground.

(c) "Blackwater" means sewage from toilets, urinals, and any drains equipped with garbage grinders.

(d) "Greywater" means sewage that does not contain toilet wastes or waste from garbage grinders.

(e) "Sewage" means waste produced by toilets, bathing, laundry, or culinary operations, or the floor drains associated with these sources. Household cleaners in sewage are restricted to amounts normally used for domestic purposes.

**Subd. 2. BIODIGESTER AND WATER RECLAMATION SYSTEMS REQUIREMENTS.** Biodigester and water reclamation systems must meet the following requirements:

(1) all waste that includes any blackwater must be treated as blackwater and must not be discharged for reuse;

(2) wastewater may only be treated as greywater when a plumbing network separately collects and segregates greywater from blackwater;

(3) the two waste streams of greywater and blackwater must be treated to the following standards:

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(i) for greywater reuse within the facility, the effluent quality from the system must be within the health risk limits as determined by Minnesota Rules, chapter 4717;

(ii) for greywater discharge outside the residence above ground level, the effluent quality from the system shall meet or exceed standards for the receiving water as set forth in Minnesota Rules, chapter 7050; and

(iii) residuals from blackwater must be treated to levels described in Code of Federal Regulations, title 40, part 503;

(4) residuals from blackwater treatment must be disposed of in accordance with local and federal requirements and state guidelines for septage; and

(5) toilets that do not contain a standard integral water trap must have a water-sealed mechanical valve.

Subd. 3. EXPIRATION. This section expires May 1, 2014.

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

**Sec. 3. [115.60] PILOT PROGRAM FOR ALTERNATIVE SEPTIC SYSTEM TECHNOLOGY.**

Subdivision 1. MANUFACTURER'S CERTIFICATION. (a) Under the authority of the Pollution Control Agency, with consultation from the Department of Health, a manufacturer of new wastewater treatment technologies must submit accredited third-party testing documentation to the agency certifying that biodigester and wastewater reclamation systems, as designed and installed, will meet the applicable state standards for above or below surface discharge or potable water.

(b) A manufacturer of biodigester and water reclamation systems technology must provide training approved by the commissioner of the agency to provide certification for persons in the state to properly install, maintain, operate, and monitor systems. An entity that would provide monitoring, installation, maintenance, or operational services must not be a part of certifying system capacities for the commissioner.

(c) A manufacturer shall reimburse the agency an amount not to exceed \$4,000 for staff services needed to review the information submitted pursuant to the certification request. Reimbursements accepted by the agency must be deposited in the environmental fund and are appropriated to the agency for the purpose of reviewing information submitted. The agency shall reimburse the Department of Health for consultation related costs.

**Subd. 2. REQUIREMENTS FOR MANUFACTURER OR CONSUMER PARTICIPATION.** (a) Only trained and certified persons may install, operate, repair, maintain, and monitor a biodigester and water reclamation system.

(b) Systems must be monitored by an entity other than the owner.

(c) Annual monitoring and maintenance reports must be submitted to the commissioners of health and the agency and the local regulatory authority.

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(d) Independent documentation of system performance must be reported on a form provided by the agency.

Subd. 3. APPROVAL REQUIREMENTS. (a) Permitting of biodigester and water reclamation systems are subject to any local government requirements for installation and use subject to the commissioner's approval.

(b) Any subsurface discharge of treated effluent from any system must be in accordance with environmental standards contained in Minnesota Rules, part 7080.0179, and is regulated under the requirements of sections 115.55 and 115.56.

(c) Any surface discharge of treated effluent from a system must be in accordance with environmental standards contained in Minnesota Rules, part 7080.0030, and be operated under a permit issued by the agency. The agency may issue either individual or general permits to regulate the surface discharges from biodigester and water reclamation systems.

(d) Any reuse of treated effluent from a system must be in accordance with state standards established for potable well water.

Subd. 4. EXEMPTION. Biodigester and water reclamation systems are exempt from all state and local requirements pertaining to Minnesota Rules, chapter 4715, until May 1, 2014.

Subd. 5. EXPIRATION. This section expires May 1, 2014.

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

Presented to the governor May 18, 2004

Signed by the governor May 28, 2004, 5:15 p.m.

## CHAPTER 249—H.F.No. 2000

*An act relating to the environment; requiring rules related to individual sewage treatment systems; amending Minnesota Statutes 2002, section 115.55, subdivision 3.*

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

Section 1. Minnesota Statutes 2002, 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, and maintenance of individual 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;

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