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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. **4106**

03/21/2018 Authored by Heintzeman and Lueck
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to waters; creating certification program for new wastewater treatment
1.3 technology; appropriating money; proposing coding for new law in Minnesota
1.4 Statutes, chapter 115.

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

1.6 Section 1. [115.601] ADVANCED TREATMENT SYSTEMS.

1.7 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to sections
1.8 115.601 and 115.605.

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

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

1.15 (d) "Commissioner" means the commissioner of the Pollution Control Agency.

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

1.18 (f) "Sewage" means waste that is produced by toilets, bathing, laundry, or culinary
1.19 operations or the floor drains associated with these sources and that contain no more
1.20 household cleaners than the amounts normally used for domestic purposes.

1.21 Subd. 2. System requirements. Biodigester and water reclamation systems must meet
1.22 the following requirements:

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

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

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

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

2.9 (ii) for greywater discharge outside the residence and above ground level, the effluent
2.10 quality from the system must meet or exceed standards for the receiving water determined
2.11 under Minnesota Rules, chapter 7050; and

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

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

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

2.18 Subd. 3. **Expiration.** This section expires January 1, 2029.

2.19 Sec. 2. **[115.605] PILOT PROGRAM FOR ALTERNATIVE SEPTIC SYSTEM**
2.20 **TECHNOLOGY.**

2.21 Subdivision 1. **Manufacturer's certification.** (a) Under the authority of the
2.22 commissioner, in consultation with the commissioner of health, a manufacturer of new
2.23 wastewater treatment technologies must submit accredited third-party testing documentation
2.24 to the commissioner certifying that a biodigester and water reclamation system, as designed
2.25 and installed, will meet the applicable state standards for above- or below-surface discharge
2.26 or potable water.

2.27 (b) A manufacturer must reimburse the commissioner an amount not to exceed \$4,000
2.28 for staff services needed to review the information submitted pursuant to the certification
2.29 request under paragraph (a). Reimbursements accepted by the commissioner must be
2.30 deposited in the environmental fund and are appropriated to the commissioner for the purpose
2.31 of reviewing information submitted under paragraph (a). The commissioner must reimburse
2.32 the commissioner of health for consultation-related costs.

3.1 Subd. 2. **Training; monitoring; reporting.** (a) A manufacturer of biodigester and water
3.2 reclamation systems must provide training approved by the commissioner to certify persons
3.3 in the state to properly install, maintain, operate, and monitor the systems. An entity that
3.4 provides monitoring, installation, maintenance, or operational services for a system must
3.5 not be a part of certifying system capacities for the commissioner.

3.6 (b) Only trained and certified persons may install, operate, repair, maintain, and monitor
3.7 a biodigester and water reclamation system.

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

3.9 (d) Annual monitoring and maintenance reports must be submitted to the commissioner,
3.10 the commissioner of health, and the local regulatory authority.

3.11 (e) Independent documentation of system performance must be reported on a form
3.12 provided by the commissioner.

3.13 Subd. 3. **Approval requirements.** (a) Permitting of biodigester and water reclamation
3.14 systems is subject to any local government requirements for installation and use subject to
3.15 the commissioner's approval.

3.16 (b) Any subsurface discharge of treated effluent from a system must be in accordance
3.17 with environmental standards under Minnesota Rules, part 7080.1500, and is regulated
3.18 under sections 115.55 and 115.56.

3.19 (c) Any surface discharge of treated effluent from a system must be in accordance with
3.20 the environmental standards of Minnesota Rules and be operated under a permit issued by
3.21 the commissioner. The commissioner may issue individual permits or a general permit to
3.22 regulate surface discharges from biodigester and water reclamation systems.

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

3.25 Subd. 4. **Exemption** Biodigester and water reclamation systems are exempt from all
3.26 state and local requirements pertaining to Minnesota Rules, chapter 4714, until January 1,
3.27 2029.

3.28 Subd. 5. **Expiration.** This section expires January 1, 2029.