

CHAPTER 115

WATER POLLUTION CONTROL;
SANITARY DISTRICTS

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115.03 POWERS AND DUTIES.

[For text of subds 1 to 5a, see M.S.2002]

Subd. 5b. **Storm water permits; compliance with nondegradation and mitigation requirements.** (a) During the period in which this subdivision is in effect, all point source storm water discharges that are subject to and in compliance with an individual or general storm water permit issued by the Pollution Control Agency under the National Pollution Discharge Elimination System are considered to be in compliance with the nondegradation and mitigation requirements of agency water quality rules.

(b) This subdivision is repealed on the earlier of July 1, 2007, or the effective date of rules adopted by the Pollution Control Agency that provide specific mechanisms or criteria to determine whether point source storm water discharges comply with the nondegradation and mitigation requirements of agency water quality rules.

Subd. 5c. **Regulation of storm water discharges.** (a) The agency may issue a general permit to any category or subcategory of point source storm water discharges that it deems administratively reasonable and efficient without making any findings under agency rules. Nothing in this subdivision precludes the agency from requiring an individual permit for a point source storm water discharge if the agency finds that it is appropriate under applicable legal or regulatory standards.

(b) Pursuant to this paragraph, the legislature authorizes the agency to adopt and enforce rules regulating point source storm water discharges. No further legislative approval is required under any other legal or statutory provision whether enacted before or after May 29, 2003.

[For text of subds 6 to 8a, see M.S.2002]

Subd. 9. **Future costs of wastewater treatment; update of 1995 report.** The commissioner shall, by January 15, 1998, and each even-numbered year thereafter, provide the chairs of the house and senate committees with primary jurisdiction over the agency's budget with the following information:

(1) an updated list of all wastewater treatment upgrade and construction projects the agency has identified to meet existing and proposed water quality standards and regulations;

(2) an estimate of the total costs associated with the projects listed in clause (1), and the projects' priority ranking under Minnesota Rules, chapter 7077. The costs of projects necessary to meet existing standards must be identified separately from the costs of projects necessary to meet proposed standards;

(3) the commissioner's best estimate, developed in consultation with the commissioner of employment and economic development and affected permittees, of the increase in sewer service rates to the residents in the municipalities required to construct the projects listed in clause (1) resulting from the cost of these projects; and

(4) a list of existing and proposed state water quality standards which are more stringent than is necessary to comply with federal law, either because the standard has no applicable federal water quality criteria, or because the standard is more stringent than the applicable federal water quality criteria.

History: 2003 c 128 art 1 s 120,121; 1Sp2003 c 4 s 1

115.073 ENFORCEMENT FUNDING.

Except as provided in section 115C.05, all money recovered by the state under this chapter and chapters 115A and 116, including civil penalties and money paid under an agreement, stipulation, or settlement, excluding money paid for past due fees or taxes, up to the amount appropriated for implementation of Laws 1991, chapter 347, must be deposited in the state treasury and credited to the environmental fund.

History: 2003 c 128 art 2 s 3

115.425 NONINGESTED SOURCE PHOSPHORUS REDUCTION GOAL.

The state goal for reducing phosphorus from noningested sources entering municipal wastewater treatment systems is at least a 50 percent reduction based on the timeline for reduction developed by the commissioner under Laws 2003, chapter 128, article 1, section 166, and a reasonable estimate of the amount of phosphorus from noningested sources entering municipal wastewater treatment systems in calendar year 2003.

History: 2003 c 128 art 1 s 122

115.55 INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections 115.55 to 115.56.

(b) "Advisory committee" means the Advisory Committee on Individual Sewage Treatment Systems established under the individual sewage treatment system rules. The advisory committee must be appointed to ensure geographic representation of the state and include elected public officials.

(c) "Applicable requirements" means:

(1) local ordinances that comply with the individual sewage treatment system rules, as required in subdivision 2; or

(2) in areas not subject to the ordinances described in clause (1), the individual sewage treatment system rules.

(d) "City" means a statutory or home rule charter city.

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

(f) "Dwelling" means a building or place used or intended to be used by human occupants as a single-family or two-family unit.

(g) "Individual sewage treatment system" or "system" means a sewage treatment system, or part thereof, serving a dwelling, other establishment, or group thereof, that uses subsurface soil treatment and disposal.

(h) "Individual sewage treatment system professional" means an inspector, installer, site evaluator or designer, or pumper.

(i) "Individual sewage treatment system rules" means rules adopted by the agency that establish minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems.

(j) "Inspector" means a person who inspects individual sewage treatment systems for compliance with the applicable requirements.

(k) "Installer" means a person who constructs or repairs individual sewage treatment systems.

(l) "Local unit of government" means a township, city, or county.

(m) "Pumper" means a person who maintains components of individual sewage treatment systems including, but not limited to, septic, aerobic, and holding tanks.

(n) "Seasonal dwelling" means a dwelling that is occupied or used for less than 180 days per year and less than 120 consecutive days.

(o) "Septic system tank" means any covered receptacle designed, constructed, and installed as part of an individual sewage treatment system.

(p) "Site evaluator or designer" means a person who:

- (1) investigates soils and site characteristics to determine suitability, limitations, and sizing requirements; and
- (2) designs individual sewage treatment systems.

[For text of subds 2 to 10, see M.S.2002]

History: 2003 c 128 art 1 s 123

115.551 TANK FEE.

An installer shall pay a fee of \$25 for each septic system tank installed in the previous calendar year. The fees required under this section must be paid to the commissioner by January 30 of each year. The revenue derived from the fee imposed under this section shall be deposited in the environmental fund and is exempt from section 16A.1285.

History: 2003 c 128 art 1 s 124

115.56 MANDATORY LICENSING PROGRAM.

[For text of subds 1 to 3, see M.S.2002]

Subd. 4. **License fee.** The fee for a license required under subdivision 2 is \$100 per year. Revenue from the fees must be credited to the environmental fund and is exempt from section 16A.1285.

History: 2003 c 128 art 2 s 4

115.77 FEES.

[For text of subd 1, see M.S.2002]

Subd. 2. **Fees paid to commissioner of finance.** All fees established in subdivision 1 must be paid to the commissioner of health, in the case of water supply system operators, and to the commissioner of the Pollution Control Agency, in the case of wastewater treatment facility operators. The fees received must be deposited in the state treasury and credited to the special revenue fund.

History: 2003 c 112 art 2 s 50