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State of Minnesota

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235

HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE NO. 1420

February 26, 2007

Authored by Poppe; Tingelstad; Peterson, A.; Ozment; Eken and others

The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 24, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

April 26, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to environment; modifying licensing requirements for design,
1.3 installation, maintenance, inspection, or operation of individual sewage treatment
1.4 systems; requiring a report; amending Minnesota Statutes 2006, section 115.56,
1.5 subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2006, section 115.56, subdivision 2, is amended to read:

1.8 Subd. 2. **License required.** (a) Except as provided in paragraph (b), after March 31,
1.9 1996, a person may not design, install, maintain, pump, or inspect an individual sewage
1.10 treatment system without a license issued by the commissioner.

1.11 (b) A license is not required for a person who complies with the applicable
1.12 requirements if the person is:

1.13 (1) a qualified employee of state or local government who has passed the
1.14 examination described in paragraph (d) or a similar examination;

1.15 (2) an individual who constructs an individual sewage treatment system on land that
1.16 is owned or leased by the individual and functions solely as the individual's dwelling or
1.17 seasonal dwelling;

1.18 (3) a farmer who pumps and disposes of sewage waste from individual sewage
1.19 treatment systems, holding tanks, and privies on land that is owned or leased by the
1.20 farmer; or

1.21 (4) an individual who performs labor or services for a person licensed under this
1.22 section in connection with the design, installation, maintenance, pumping, or inspection of
1.23 an individual sewage treatment system at the direction and under the personal supervision
1.24 of a person licensed under this section.

2.1 A person constructing an individual sewage treatment system under clause (2) must
2.2 consult with a site evaluator or designer before beginning construction. In addition, the
2.3 system must be inspected before being covered and a compliance report must be provided
2.4 to the local unit of government after the inspection.

2.5 (c) The commissioner, in conjunction with the University of Minnesota Extension
2.6 Service or another higher education institution, shall ensure adequate training exists for
2.7 individual sewage treatment system professionals.

2.8 (d) The commissioner shall conduct examinations to test the knowledge of applicants
2.9 for licensing and shall issue documentation of licensing.

2.10 (e) Licenses may be issued only upon successful completion of the required
2.11 examination and submission of proof of sufficient experience, proof of general liability
2.12 insurance, and a corporate surety bond in the amount of at least \$10,000.

2.13 (f) Notwithstanding paragraph (e), the examination and proof of experience are not
2.14 required for an individual sewage treatment system professional who, on the effective date
2.15 of the rules adopted under subdivision 1, holds a certification attained by examination and
2.16 experience under a voluntary certification program administered by the agency.

2.17 (g) Local units of government may not require additional local licenses for individual
2.18 sewage treatment system professionals.

2.19 (h) A pumper whose annual gross revenue from pumping systems is \$9,000 or
2.20 less and whose gross revenue from pumping systems during the year ending May 11,
2.21 1994, was at least \$1,000 is not subject to training requirements in rules adopted under
2.22 subdivision 1, except for any training required for initial licensure.

2.23 (i) No other professional license is required to design, install, maintain, or inspect
2.24 an individual sewage treatment system with a flow of 10,000 gallons of water per day
2.25 or less if the system designer, installer, maintainer, or inspector is licensed under this
2.26 subdivision and the local unit of government has not adopted additional requirements. No
2.27 other professional license is required to operate an individual sewage treatment system
2.28 with a flow of 10,000 gallons of water per day or less if the system operator is licensed as
2.29 a system designer, installer, maintainer, or inspector under this subdivision and the local
2.30 unit of government has not adopted additional requirements.

2.31 **Sec. 2. REPORT.**

2.32 The commissioner of the Pollution Control Agency must report to the legislative
2.33 committees with jurisdiction on environmental policy by February 15, 2008, after
2.34 consulting with officials from the Minnesota Onsite Wastewater Association; the
2.35 Minnesota Society of Professional Engineers; the American Council of Engineering

3.1 Companies; the Minnesota Association of Professional Soil Scientists; the Minnesota
3.2 Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
3.3 Geoscience, and Interior Design; the University of Minnesota Water Resources Center;
3.4 the Association of Minnesota Counties; the Minnesota Association of Small Cities; and
3.5 the Minnesota Association of Townships, on further issues relating to the licensing of
3.6 individual sewage treatment systems.

3.7 Sec. 3. **EFFECTIVE DATE.**

3.8 This act is effective the day following final enactment and expires December 31,
3.9 2010.