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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1326**

03/02/2015 Authored by McNamara and Backer

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 environment; modifying public entity purchasing requirements;
1.3 modifying recycling and solid waste provisions; modifying subsurface sewage
1.4 treatment systems provisions; modifying compensable losses due to harmful
1.5 substances; modifying eligibility for certain grants; requiring rulemaking;
1.6 amending Minnesota Statutes 2014, sections 16C.073, subdivision 2; 115.55,
1.7 subdivision 1; 115.56, subdivision 2; 115A.03, subdivisions 25b, 25c, by adding
1.8 a subdivision; 115A.1310, subdivision 15; 115A.1415, subdivision 1; 115A.93,
1.9 subdivisions 1, 3; 115A.94, subdivision 3; 115B.34, subdivision 2; 446A.073,
1.10 subdivisions 1, 3, 4; 473.8441.

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

1.12 Section 1. Minnesota Statutes 2014, section 16C.073, subdivision 2, is amended to read:

1.13 Subd. 2. ~~Purchases; printing.~~ (a) Whenever practicable, a public entity shall:

1.14 (1) purchase uncoated copy paper, office paper, and printing paper;

1.15 (2) purchase recycled content copy paper with at least ten 30 percent postconsumer
1.16 material by weight and purchase printing and office paper with at least ten percent
1.17 postconsumer material by weight;

1.18 (3) purchase copy, office, and printing paper which has not been dyed with colors,
1.19 excluding pastel colors;

1.20 (4) purchase recycled content copy, office, and printing paper that is manufactured
1.21 using little or no chlorine bleach or chlorine derivatives;

1.22 ~~(5) use no more than two colored inks, standard or processed, except in formats~~
1.23 ~~where they are necessary to convey meaning;~~

1.24 ~~(6)~~ (5) use reusable binding materials or staples and bind documents by methods
1.25 that do not use glue;

1.26 ~~(7)~~ (6) use soy-based inks;

2.1 ~~(8)~~ (7) produce reports, publications, and periodicals that are readily recyclable
 2.2 ~~within the state resource recovery program; and~~

2.3 ~~(9)~~ (8) purchase paper which has been made on a paper machine located in Minnesota.

2.4 (b) Paragraph (a), clause (1), does not apply to coated paper that is made with at
 2.5 least 50 percent postconsumer material.

2.6 (c) A public entity shall print documents on both sides of the paper where commonly
 2.7 accepted publishing practices allow.

2.8 ~~(d) Notwithstanding paragraph (a), clause (2), and section 16C.0725, copier paper~~
 2.9 ~~purchased by a state agency must contain at least ten percent postconsumer material by~~
 2.10 ~~fiber content.~~

2.11 Sec. 2. Minnesota Statutes 2014, section 115.55, subdivision 1, is amended to read:

2.12 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections
 2.13 115.55 to 115.56.

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

2.18 (c) "Applicable requirements" means:

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

2.21 (2) in areas without compliant ordinances described in clause (1), the subsurface
 2.22 sewage treatment system rules.

2.23 (d) "Building sewer connected to a subsurface sewage treatment system" means the
 2.24 pipe that connects a structure to a subsurface sewage treatment system. Building sewers
 2.25 connected to subsurface sewage treatment systems are codefined as both plumbing and
 2.26 subsurface sewage treatment system components.

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

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

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

2.31 ~~(g)~~ (h) "Subsurface sewage treatment system" or "system" means a sewage treatment
 2.32 system, or part thereof, that uses subsurface soil treatment and disposal, or a holding tank,
 2.33 serving a dwelling, other establishment, or a group thereof, and that does not require a
 2.34 state permit. Subsurface sewage treatment system includes a building sewer connected
 2.35 to a subsurface sewage treatment system.

3.1 ~~(h)~~ (i) "Subsurface sewage treatment system professional" means an inspector,
3.2 installer, designer, service provider, or maintainer.

3.3 ~~(i)~~ (j) "Subsurface sewage treatment system rules" means rules adopted by the
3.4 agency that establish minimum standards and criteria for the design, location, installation,
3.5 use, maintenance, and closure of subsurface sewage treatment systems.

3.6 ~~(j)~~ (k) "Inspector" means a person who inspects subsurface sewage treatment
3.7 systems for compliance with the applicable requirements.

3.8 ~~(k)~~ (l) "Installer" means a person who constructs or repairs subsurface sewage
3.9 treatment systems.

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

3.11 ~~(m)~~ (n) "Performance-based system" means a system that is designed specifically
3.12 for environmental conditions on a site and is designed to adequately protect the public
3.13 health and the environment and provide consistent, reliable, long-term performance. At a
3.14 minimum, a performance based system must ensure that applicable water quality standards
3.15 are met in both ground and surface water that ultimately receive the treated sewage.

3.16 ~~(n)~~ (o) "Maintainer " means a person who removes solids and liquids from and
3.17 maintains and repairs components of subsurface sewage treatment systems including, but
3.18 not limited to, sewage, aerobic, and holding tanks.

3.19 ~~(o)~~ (p) "Seasonal dwelling" means a dwelling that is occupied or used for less than
3.20 180 days per year and less than 120 consecutive days.

3.21 ~~(p)~~ (q) "Septic system tank" means any covered receptacle designed, constructed,
3.22 and installed as part of a subsurface sewage treatment system.

3.23 ~~(q)~~ (r) "Designer" means a person who:

3.24 (1) investigates soils and site characteristics to determine suitability, limitations, and
3.25 sizing requirements; and

3.26 (2) designs subsurface sewage treatment systems.

3.27 ~~(r)~~ (s) "Straight-pipe system" means a sewage disposal system that transports raw or
3.28 partially treated sewage directly to a lake, a stream, a drainage system, or ground surface.

3.29 Sec. 3. Minnesota Statutes 2014, section 115.56, subdivision 2, is amended to read:

3.30 Subd. 2. **License required.** (a) Except as provided in paragraph (b), a person may
3.31 not design, install, maintain, pump, inspect, or provide service to a subsurface sewage
3.32 treatment system without a license issued by the commissioner. Licenses issued under this
3.33 section allow work on subsurface sewage treatment systems that do not require a state
3.34 permit using prescriptive designs and design guidances provided by the agency. Licensees

4.1 who design systems using these prescriptive designs and design guidances are not subject
4.2 to the additional licensing requirements of section 326.03.

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

4.5 (1) a qualified employee of state or local government who is a certified professional;

4.6 (2) an individual who constructs a subsurface sewage treatment system on land that
4.7 is owned or leased by the individual and functions solely as the individual's dwelling or
4.8 seasonal dwelling, unless specifically disallowed in local ordinance. A person constructing
4.9 a subsurface sewage treatment system under this clause must comply with all local
4.10 administrative and technical requirements. In addition, the system must be inspected
4.11 before being covered and a compliance report must be provided to the local unit of
4.12 government after the inspection;

4.13 (3) a farmer who pumps and disposes of sewage waste from subsurface sewage
4.14 treatment systems, holding tanks, and privies on land that is owned or leased by the
4.15 farmer; or

4.16 (4) an individual who performs labor or services for a licensed business under this
4.17 section in connection with the design, installation, operation, pumping, or inspection of a
4.18 subsurface sewage treatment system at the direction and under the personal supervision of
4.19 a person certified under this section.

4.20 (c) The commissioner, in conjunction with the University of Minnesota Extension
4.21 Service or another higher education institution, shall ensure adequate training and design
4.22 guidance exists for subsurface sewage treatment system certified professionals.

4.23 (d) The commissioner shall conduct examinations to test the knowledge of applicants
4.24 for certification and shall issue documentation of certification.

4.25 (e) Licenses may be issued only upon submission of general liability insurance, a
4.26 corporate surety bond in the amount of at least ~~\$10,000~~ \$25,000, and the name of the
4.27 individual who will be the designated certified individual for that business. The bond may
4.28 be for both plumbing work and subsurface sewage treatment work if the bond complies
4.29 with the requirements of this section and satisfies the requirements and references
4.30 identified in section 326B.46, subdivision 2.

4.31 (f) Local units of government may not require additional local licenses for
4.32 subsurface sewage treatment system businesses.

4.33 (g) No other professional license under section 326.03 is required to design, install,
4.34 maintain, inspect, or provide service for a subsurface sewage treatment system that does
4.35 not require a state permit using prescriptive designs and design guidances provided by
4.36 the agency if the system designer, installer, maintainer, inspector, or service provider

5.1 is licensed under this subdivision and the local unit of government has not adopted
5.2 additional requirements.

5.3 Sec. 4. Minnesota Statutes 2014, section 115A.03, subdivision 25b, is amended to read:

5.4 Subd. 25b. **Recycling.** "Recycling" means the process of collecting and preparing
5.5 recyclable materials and ~~reusing the materials in their original form or~~ using them in
5.6 manufacturing processes that do not cause the destruction of recyclable materials in a
5.7 manner that precludes further use.

5.8 Sec. 5. Minnesota Statutes 2014, section 115A.03, subdivision 25c, is amended to read:

5.9 Subd. 25c. **Recycling facility.** "Recycling facility" means a facility at which
5.10 materials are prepared ~~for reuse in their original form or~~ for use in manufacturing processes
5.11 that do not cause the destruction of the materials in a manner that precludes further use.

5.12 Sec. 6. Minnesota Statutes 2014, section 115A.03, is amended by adding a subdivision
5.13 to read:

5.14 Subd. 28c. **Reuse.** "Reuse" means to rent, acquire, donate, or sell a product without
5.15 altering its properties, to be used again for its original or similar purpose, to extend the
5.16 life of the product and replace the need for a new product. Reuse includes product repair.
5.17 Reuse does not include recycling.

5.18 Sec. 7. Minnesota Statutes 2014, section 115A.1310, subdivision 15, is amended to read:

5.19 Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing
5.20 video display devices or covered electronic devices for use in manufacturing processes ~~or~~
5.21 ~~for recovery of usable materials followed by delivery of such materials for use.~~ Recycling
5.22 does not include the destruction by incineration or other process or land disposal of
5.23 recyclable materials nor reuse, repair, or any other process through which video display
5.24 devices or covered electronic devices are returned to use for households in their original
5.25 form.

5.26 Sec. 8. Minnesota Statutes 2014, section 115A.1415, subdivision 1, is amended to read:

5.27 Subdivision 1. **Definitions.** For purposes of this section, the following terms have
5.28 the meanings given:

5.29 (1) "architectural paint" means interior and exterior architectural coatings sold in
5.30 containers of five gallons or less. Architectural paint does not include industrial coatings,
5.31 original equipment coatings, or specialty coatings;

6.1 (2) "brand" means a name, symbol, word, or mark that identifies architectural paint,
6.2 rather than its components, and attributes the paint to the owner or licensee of the brand as
6.3 the producer;

6.4 (3) "discarded paint" means architectural paint that is no longer used for its
6.5 manufactured purpose;

6.6 (4) "producer" means a person that:

6.7 (i) has legal ownership of the brand, brand name, or cobrand of architectural paint
6.8 sold in the state;

6.9 (ii) imports architectural paint branded by a producer that meets item (i) when the
6.10 producer has no physical presence in the United States;

6.11 (iii) if items (i) and (ii) do not apply, makes unbranded architectural paint that is
6.12 sold in the state; or

6.13 (iv) sells architectural paint at wholesale or retail, does not have legal ownership of
6.14 the brand, and elects to fulfill the responsibilities of the producer for the architectural paint
6.15 by certifying that election in writing to the commissioner;

6.16 (5) "recycling" means the process of collecting and preparing recyclable materials and
6.17 ~~reusing the materials in their original form or~~ using them in manufacturing processes that
6.18 do not cause the destruction of recyclable materials in a manner that precludes further use;

6.19 (6) "retailer" means any person who offers architectural paint for sale at retail in
6.20 the state;

6.21 (7) "reuse" means donating or selling collected architectural paint back into the
6.22 market for its original intended use, when the architectural paint retains its original
6.23 purpose and performance characteristics;

6.24 (8) "sale" or "sell" means transfer of title of architectural paint for consideration,
6.25 including a remote sale conducted through a sales outlet, catalog, Web site, or similar
6.26 electronic means. Sale or sell includes a lease through which architectural paint is
6.27 provided to a consumer by a producer, wholesaler, or retailer;

6.28 (9) "stewardship assessment" means the amount added to the purchase price of
6.29 architectural paint sold in the state that is necessary to cover the cost of collecting,
6.30 transporting, and processing postconsumer architectural paint by the producer or
6.31 stewardship organization pursuant to a product stewardship program;

6.32 (10) "stewardship organization" means an organization appointed by one or more
6.33 producers to act as an agent on behalf of the producer to design, submit, and administer a
6.34 product stewardship program under this section; and

6.35 (11) "stewardship plan" means a detailed plan describing the manner in which a
6.36 product stewardship program under subdivision 2 will be implemented.

7.1 Sec. 9. Minnesota Statutes 2014, section 115A.93, subdivision 1, is amended to read:

7.2 Subdivision 1. **License and registration required.** (a) A person may not collect
7.3 mixed municipal solid waste for hire without a license from the jurisdiction where the
7.4 mixed municipal solid waste is collected. The local licensing entity shall submit a list of
7.5 licensed collectors to the agency.

7.6 (b) A person may not collect recyclable materials for hire unless registered with the
7.7 agency. If a person is licensed under paragraph (a), the person need not register with
7.8 the agency under this paragraph.

7.9 Sec. 10. Minnesota Statutes 2014, section 115A.93, subdivision 3, is amended to read:

7.10 Subd. 3. **License and registration requirements; pricing based on volume or**
7.11 **weight.** (a) A licensing authority shall require licensees to impose charges for collection of
7.12 mixed municipal solid waste that increase with the volume or weight of the waste collected.

7.13 (b) A licensing authority may impose requirements that are consistent with the
7.14 county's solid waste policies as a condition of receiving and maintaining a license.

7.15 (c) A licensing authority shall prohibit mixed municipal solid waste collectors from
7.16 imposing a greater charge on residents who recycle than on residents who do not recycle.

7.17 (d) Collectors of mixed municipal solid waste or recyclable materials shall provide
7.18 the following information to the agency on an annual basis:

7.19 (1) the quantity of mixed municipal solid waste and recyclable materials collected,
7.20 reported by commercial sector and by residential sector;

7.21 (2) the destination of mixed municipal solid waste and recyclable materials; and

7.22 (3) the county of origin of the waste or recyclable materials.

7.23 ~~(d)~~ (e) The commissioner may exempt a licensing authority from the requirements of
7.24 paragraph (a) if the county within which the authority is located has an approved solid
7.25 waste management plan that concludes that variable rate pricing is not appropriate for that
7.26 jurisdiction because it is inconsistent with other incentives and mechanisms implemented
7.27 within the jurisdiction that are more effective in attaining the goals of this chapter to
7.28 discourage on-site disposal, littering, and illegal dumping.

7.29 ~~(e)~~ (f) In the interim between revisions to the county solid waste management plan,
7.30 the commissioner may exempt a licensing authority from the requirements of paragraph
7.31 (a) if the commissioner makes the determination otherwise made by the plan in paragraph
7.32 ~~(d)~~ (e) and finds that the licensing authority:

7.33 (1) operates or contracts for the operation of a residential recycling program that
7.34 collects more categories of recyclable materials than required in section 115A.552;

8.1 (2) has a residential participation rate in its recycling programs of at least 70 percent
 8.2 or in excess of the participation rate for the county in which it is located, whichever
 8.3 is greater; and

8.4 (3) is located in a county that has exceeded the recycling goals in section 115A.551.

8.5 An exemption granted by the commissioner in the interim between revisions to the county
 8.6 solid waste management plan is only effective until the county solid waste management
 8.7 plan is revised.

8.8 Sec. 11. Minnesota Statutes 2014, section 115A.94, subdivision 3, is amended to read:

8.9 Subd. 3. **General provisions.** (a) The local government unit may organize
 8.10 collection as a municipal service or by ordinance, franchise, license, negotiated or bid
 8.11 contract, or other means, using one or more collectors or an organization of collectors.

8.12 (b) The local government unit may not establish or administer organized collection
 8.13 in a manner that impairs the preservation and development of recycling and markets for
 8.14 recyclable materials. The local government unit shall exempt recyclable materials from
 8.15 organized collection upon a showing by the generator or collector that the materials are or
 8.16 will be separated from mixed municipal solid waste by the generator, separately collected,
 8.17 and delivered for reuse in their original form or for use in a manufacturing process.

8.18 (c) The local government unit shall invite and employ the assistance of interested
 8.19 persons, including persons licensed to operate solid waste collection services in the local
 8.20 government unit, in developing plans and proposals for organized collection and in
 8.21 establishing the organized collection system.

8.22 (d) Organized collection accomplished by contract or as a municipal service may
 8.23 include a requirement that all or any portion of the solid waste, except (1) recyclable
 8.24 materials and (2) materials that are processed at a resource recovery facility at the capacity
 8.25 in operation at the time that the requirement is imposed, be delivered to a waste facility
 8.26 identified by the local government unit. In a district or county where a resource recovery
 8.27 facility has been designated by ordinance under section 115A.86, organized collection
 8.28 must conform to the requirements of the designation ordinance.

8.29 Sec. 12. Minnesota Statutes 2014, section 115B.34, subdivision 2, is amended to read:

8.30 Subd. 2. **Property damage losses.** (a) Losses compensable by the fund for property
 8.31 damage are limited to the following losses caused by damage to the principal residence of
 8.32 the claimant:

8.33 (1) the reasonable cost of replacing or decontaminating the primary source of
 8.34 drinking water for the property not to exceed the amount actually expended by the

9.1 claimant or assessed by a local taxing authority, if the Department of Health has confirmed
 9.2 that the remedy provides safe drinking water and advised that the water not be used for
 9.3 drinking or determined that the replacement or decontamination of the source of drinking
 9.4 water was necessary, up to a maximum of \$25,000;

9.5 (2) the reasonable cost to install a mitigation system for the claimant's principal
 9.6 residence, not to exceed the amount actually expended by the claimant, if the agency has
 9.7 recommended such installation to protect human health due to soil vapor intrusion into
 9.8 the residence from releases of harmful substances. Reimbursement of eligible claims
 9.9 shall not exceed \$25,000;

9.10 ~~(2)~~ (3) losses incurred as a result of a bona fide sale of the property at less than
 9.11 the appraised market value under circumstances that constitute a hardship to the owner,
 9.12 limited to 75 percent of the difference between the appraised market value and the selling
 9.13 price, but not to exceed \$25,000; and

9.14 ~~(3)~~ (4) losses incurred as a result of the inability of an owner in hardship circumstances
 9.15 to sell the property due to the presence of harmful substances, limited to the increase in
 9.16 costs associated with the need to maintain two residences, but not to exceed \$25,000.

9.17 (b) In computation of the loss under paragraph (a), clause ~~(3)~~ (4), the agency shall
 9.18 offset the loss by the amount of any income received by the claimant from the rental
 9.19 of the property.

9.20 (c) For purposes of paragraph (a), the following definitions apply:

9.21 (1) "appraised market value" means an appraisal of the market value of the property
 9.22 disregarding any decrease in value caused by the presence of a harmful substance in
 9.23 or on the property; and

9.24 (2) "hardship" means an urgent need to sell the property based on a special
 9.25 circumstance of the owner including catastrophic medical expenses, inability of the owner
 9.26 to physically maintain the property due to a physical or mental condition, and change of
 9.27 employment of the owner or other member of the owner's household requiring the owner
 9.28 to move to a different location.

9.29 (d) Appraisals are subject to agency approval. The agency may adopt rules
 9.30 governing approval of appraisals, criteria for establishing a hardship, and other matters
 9.31 necessary to administer this subdivision.

9.32 Sec. 13. Minnesota Statutes 2014, section 446A.073, subdivision 1, is amended to read:

9.33 Subdivision 1. **Program established.** When money is appropriated for grants
 9.34 under this program, the authority shall award grants up to a maximum of \$3,000,000 to

10.1 governmental units to cover up to one-half the cost of ~~wastewater treatment or storm-water~~
 10.2 infrastructure projects made necessary by:

10.3 (1) a wasteload reduction prescribed under a total maximum daily load plan required
 10.4 by section 303(d) of the federal Clean Water Act, United States Code, title 33, section
 10.5 1313(d);

10.6 (2) a phosphorus concentration or mass limit which requires discharging one
 10.7 milligram per liter or less at permitted design flow which is incorporated into a permit
 10.8 issued by the Pollution Control Agency;

10.9 (3) any other water quality-based effluent limit established under section 115.03,
 10.10 subdivision 1, paragraph (e), clause (8), and incorporated into a permit issued by the
 10.11 Pollution Control Agency that exceeds secondary treatment limits; or

10.12 (4) a total nitrogen limit of ten milligrams per liter or less for a land-based treatment
 10.13 system.

10.14 Sec. 14. Minnesota Statutes 2014, section 446A.073, subdivision 3, is amended to read:

10.15 Subd. 3. **Project priorities.** When money is appropriated for grants under this
 10.16 program, the authority shall accept applications during the month of July and reserve
 10.17 money for projects expected to proceed with construction by the end of the fiscal year in
 10.18 the order listed on the Pollution Control Agency's project priority list and in an amount
 10.19 based on the cost estimate submitted to the authority in the grant application or the as-bid
 10.20 costs, whichever is less. Notwithstanding Minnesota Rules, chapter 7077, the Pollution
 10.21 Control Agency may rank a drinking water infrastructure project on its project priority list
 10.22 that is necessary to meet the applicable requirement in subdivision 1.

10.23 Sec. 15. Minnesota Statutes 2014, section 446A.073, subdivision 4, is amended to read:

10.24 Subd. 4. **Grant approval.** The authority must make a grant for an eligible project
 10.25 only after:

10.26 (1) the applicant has submitted the as-bid cost for the ~~wastewater treatment or storm~~
 10.27 water infrastructure project;

10.28 (2) the Pollution Control Agency has approved the as-bid costs and certified the
 10.29 grant eligible portion of the project; and

10.30 (3) the authority has determined that the additional financing necessary to complete
 10.31 the project has been committed from other sources.

10.32 Sec. 16. Minnesota Statutes 2014, section 473.8441, is amended to read:

10.33 **473.8441 LOCAL RECYCLING DEVELOPMENT PROGRAM.**

11.1 Subdivision 1. **Definitions.** "Number of households" has the meaning given in
11.2 section 477A.011, subdivision 3a.

11.3 Subd. 2. **Program.** The commissioner shall encourage the development of
11.4 permanent local waste reduction and recycling programs throughout the metropolitan
11.5 area. The commissioner shall make grants to qualifying metropolitan counties as provided
11.6 in this section.

11.7 Subd. 3. **Grants; eligible costs.** Grants may be used to pay for planning, developing,
11.8 and operating waste reduction, yard waste composting, and recycling programs.

11.9 Subd. 4. **Grant conditions.** The commissioner shall administer grants so that
11.10 the following conditions are met:

11.11 (a) A county must apply for a grant in the manner determined by the commissioner.
11.12 The application must describe the activities for which the grant will be used.

11.13 (b) The activities funded must be consistent with the metropolitan policy plan and
11.14 the county master plan.

11.15 (c) A grant must be matched by equal county expenditures for the activities for
11.16 which the grant is made.

11.17 (d) All grant funds must be used for new activities or to enhance or increase the
11.18 effectiveness of existing activities in the county.

11.19 (e) Counties shall provide support to maintain effective municipal waste reduction
11.20 or recycling programs where ~~it is~~ they are already established.

11.21 Subd. 5. **Grant allocation procedure.** (a) The commissioner shall distribute the
11.22 funds annually so that each qualifying county receives an equal share of 50 percent of
11.23 the allocation to the program described in this section, plus a proportionate share of the
11.24 remaining funds available for the program. A county's proportionate share is an amount
11.25 that has the same proportion to the total remaining funds as the number of households in
11.26 the county has to the total number of households in all metropolitan counties.

11.27 (b) To qualify for distribution of funds, a county, by April 1 of each year, must
11.28 submit to the commissioner for approval a report on expenditures and activities under the
11.29 program during the preceding fiscal year and any proposed changes in its waste reduction
11.30 and recycling implementation strategy strategies or performance funding system. The
11.31 report shall be included in the county report required by section 473.803, subdivision 3.

11.32 **Sec. 17. REQUIRED RULEMAKING; SUBSURFACE SEWAGE TREATMENT**
11.33 **SYSTEMS.**

11.34 The commissioner of the Pollution Control Agency shall adopt rules, using the
11.35 expedited rulemaking process in section 14.389, that set forth procedures to conform

12.1 with the changes to Minnesota Statutes, chapter 115, under this act and to streamline the
12.2 subsurface sewage treatment system (SSTS) license application and renewal process in
12.3 a manner that:

12.4 (1) surety bond and insurance requirements of licensed SSTS businesses meet the
12.5 requirements of Minnesota Statutes, chapter 115 and section 326B.49; and

12.6 (2) properly trained SSTS installers may complete work on a building sewer with
12.7 respect to the Plumbing Code and plumbing program and SSTS designers and inspectors
12.8 may complete work on a building sewer connected to an SSTS with respect to the
12.9 Plumbing Code and plumbing program.

12.10 Sec. 18. **REVISOR'S INSTRUCTION.**

12.11 The revisor of statutes shall renumber Minnesota Statutes, section 115A.03,
12.12 subdivision 28b, as Minnesota Statutes, section 115A.03, subdivision 28d, and correct
12.13 the references in Minnesota Statutes and Minnesota Rules.