

Aitkin County Board of Commissioners
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: February 1, 2012

Via: Patrick Wussow, County Administrator

From: Terry Neff, Environmental Services Director

Title of Item:

SSTS (Septic System) Rule Discussion

Requested Meeting Date: February 7, 2012 Estimated Presentation Time: 15 min

Presenter: Terry Neff, Environmental Services Director

Type of Action Requested (check all that apply)

- For info only, no action requested Approve under Consent Agenda
- For discussion only with possible future action Adopt Ordinance Revision
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion Approve/adopt proposal by resolution (attach draft resolution)
- Authorize filling vacant staff position
- Request to schedule public hearing or sale Other (please list) _____
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute _____

Fiscal Impact (check all that apply)

- Is this item in the current approved budget? Yes No (attach explanation)
- What type of expenditure is this? Operating Other (attach explanation)
- Revenue line account # that funds this item is: _____
- Expenditure line account # for this item is: _____

Staffing Impact (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected. Yes No
- Applicable job description(s) may require revision. Yes No
- Item may impact a bargaining unit agreement or county work policy. Yes No
- Item may change the department's authorized staffing level. Yes No



Supporting Attachment(s)

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) e-mails, proposed Bill

Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 12:00 pm to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)

Aitkin County Environmental Services Planning and Zoning


209 Second Street NW, Rm 100

Aitkin, MN 56431

Phone: 218-927-7342 Fax: 218-927-4372



MEMORANDUM

DATE: February 1, 2012
TO: Aitkin County Board of Commissioners
FROM: Terry Neff, Environmental Services Director 
RE: SSTS Proposal

Enclosed is a copy of an e-mail from Annalee Garletz, AMC Policy Analyst, which includes a letter from Kirk Koudelka, MPCA staff, and proposed Statute change to MN Statute 115.55. This information is in regards to discussions County staff, AMC and MPCA have had regarding the adoption of the new Subsurface Sewage Treatment System (SSTS) rules. These discussions have centered on the need for counties to have flexibility in the implementation, administration and enforcement of the new rules. The attachments to the e-mail are MPCA's proposed compromise in order to allow Alternative Local Standards (ALS) to be used for systems under 2500 gallons per day. The ALS would be the use of the 2006 version of MN Rules Chapter 7080, or what we are using today. I have also included a response I sent to Ms. Garletz and the state MACPZA representatives, and a proposed Bill to repeal the existing 2008 SSTS Rules.

At the February 7, 2012, Aitkin County Board of Commissioners meeting, I will be discussing this issue with the Commissioners and will be looking for feedback on how the Commissioners would like the county to proceed with this issue.

If you have any questions prior to the meeting, or wish to discuss this in further detail, please contact me at 218-927-7342 or by e-mail at tneff@co.aitkin.mn.us.

enclosures

c:\ctybrd\ctybrd2012

Terry Neff

From: Annalee Garletz [Garletz@mncounties.org]
Sent: Wednesday, January 25, 2012 8:49 AM
To: tneff@co.aitkin.mn.us; plswens@co.becker.mn.us; william.patnaude@co.beltrami.mn.us; darren_w@co.big-stone.mn.us; john.ringle@co.cass.mn.us; paul.fairbanks@co.cass.mn.us; swilliams@co.chippewa.mn.us; tim.magnusson@co.clay.mn.us; dan.hecht@co.clearwater.mn.us; tim.nelson@co.cook.mn.us; chris.pence@co.crow-wing.mn.us; dave.rush@mail.co.douglas.mn.us; steve.lawrence@co.pope.mn.us; rebecca.sternquist@mail.co.douglas.mn.us; cgraves@co.fillmore.mn.us; michael.wozniak@co.goodhue.mn.us; greg.lillemon@co.grant.mn.us; ebuitenwerf@co.hubbard.mn.us; tim.anderson@co.isanti.mn.us; teresa.bearce@co.kanabec.mn.us; gary_g@co.kandiyohi.mn.us; handerson@co.kittson.mn.us; jennifer.breberg@lqpc.com; matthew.huddleston@co.lake.mn.us; josh_s@co.lake-of-the-woods.mn.us; mark.diekman@co.mahnomen.mn.us; jan.kaspari@co.marshall.mn.us; amyk@co.morrison.mn.us; marka@co.morrison.mn.us; angiek@co.mower.mn.us; tjosse.logan@co.olmsted.mn.us; bkalar@co.otter-tail.mn.us; wade.robinson@mn.nacdnet.net; josh.johnston@co.polk.mn.us; kacenv@yahoo.com; jon_m@co.redwood.mn.us; tmccorkell@co.rice.mn.us; eric.hartman@co.rock.mn.us; smiths@co.st-louis.mn.us; dale.oelman@co.steele.mn.us; billkleindl@co.stevens.mn.us; scott.collins@co.swift.mn.us; garry.johanson@co.todd.mn.us; sara.gronfeld@mn.nacdnet.net; bruce.e.johnson@co.watonwan.mn.us; bpoppel@co.wilkin.mn.us
Subject: FW: SSTS Inquiry - Response Requested
Attachments: Response to AMC SSTS Concerns 1-19-12.pdf; Response to AMC SSTS Concerns 1-19-12 ATTACHMENT.PDF

MACPZA Members,

Attached is an email that you should have received yesterday. If you have received it twice, or not at all, I apologize. I just discovered that an outdated list was used to populate yesterday email .

Also, if you have already adopted the ordinance let me know and I will remove you from future communications regarding this issue.

Thank you!

Annalee

From: Annalee Garletz
Sent: Tuesday, January 24, 2012 1:40 PM
To: Annalee Garletz
Subject: SSTS Inquiry - Response Requested

County Board Chairs, Zoning Administrators, County Administrators and Coordinators,

You are receiving this request for comment because you represent one of the counties who has yet to adopt the 2008 Sub-Surface Sewage Treatment System (SSTS) Rules. (To date there are 50 counties who have not adopted, and 36 that have.)

Over the past several years AMC has been in negotiations with the Pollution Control Agency (PCA) to determine how more flexibility could be afforded to counties that are concerned about the increased cost, enforcement, administration, and management the new rules will bring to their county staff and residents. PCA acknowledged those concerns and indicated that in areas outside of the shoreland they would be willing to allow counties to use their pre-2008 ordinances and call them instead 'alternative local standards' (ALS). Several counties asked for further clarification on issues

regarding shoreland and education and the PCA recently put forward the latest proposal for legislative/PCA action which is attached for your review.

AMC has been working for several years to resolve this issue and we would like to come to some sort of resolution this year. However, up until now only a handful of counties have been vocal on this issue. If AMC is to move forward in any negotiations or resolution of this problem, AMC staff and Board members need to know where counties throughout the state stand. This will require counties to be more involved in providing specific feedback.

Please review the proposal from PCA and let me know how you wish to proceed. If you have any opinions or comments on the proposal from PCA please state them. I would also like to know if you feel your county would adopt the new rules if this legislation were to pass, if you would prefer alternate language (if so, what is this language) or, if you do not plan on adopting the new rules under any circumstances and prefer a repeal of the 2008 rules. Please be aware that if a full repeal is your preference a high level of involvement will be necessary on behalf of staff and commissioners in your county. I need to hear from you as soon as possible so that the direction of AMC's legislative action can be determined. The deadline for comment is February 8, 2012.

Thank you.

Annalee Garletz - AICP
Association of MN Counties Policy Analyst
125 Charles Ave
St. Paul, MN 55102

phone. 651.789.4322
cell. 651.303.4856
fax. 651.224.6540

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Minnesota Pollution Control Agency

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January 19, 2012

Annalee Garletz
Association of Minnesota Counties
125 Charles Avenue
St. Paul, MN 55103-2108

Dear Ms. Garletz:

The purpose of this letter is to follow up on the November 23, 2011 meeting between the Minnesota Pollution Control Agency (MPCA), Association of Minnesota Counties (AMC), and the Minnesota Association of County Planning and Zoning Administrators (MACPZA). During the meeting MPCA put forward a proposal to close the 2008 Subsurface Sewage Treatment System (SSTS) Rule debate and committed to responding to questions on it. This letter outlines our proposal and incorporates responses to questions from the November 23 and subsequent meetings. After reviewing the questions, we have altered the original proposal to further address some of the questions/concerns. The proposal contains the following 3 parts: (1) Use of the 2006 SSTS Code as Alternative Local Standards (ALS); (2) County licensing and certification issues related to advance design systems; and (3) Training related to ALS.

I. Use of the 2006 SSTS Code as Alternative Local Standards (ALS)

The MPCA would support a county request to allow use of the 2006 SSTS Code as ALS including shoreland areas under the following conditions:

- These 2006 designs are used only for residential systems under 2500 gallons per day.
- No additional design reductions in soil separation are taken (must meet 3 feet separation in Shoreland).
- Counties adopt the 2008/11 Rule for the following:
 - Systems serving Food, Beverage and Lodging facilities and other non-residential systems under 2500 gallons per day to meet the waste strength standards established in Minn. Rule 7080.2150 subp. 3K and treatment of waste needed to meet this standard be in accordance with Minn. Rule 7080.2150 subp. 3A.
 - For all systems greater than 2500 gallons per day.
- Counties may also choose to adopt some of the flexibilities allowed under the 2008/11 Rule for systems less than 2500 gallons per day.

MPCA will propose a statutory change to address the current shoreland and food, beverage and lodging facilities limitations, and to allow use of the "Good Cause Rulemaking Option", which basically allows the agency to adopt statutory changes directly into the rule with minimal public input. Draft statutory language is attached to this letter. MPCA has worked with DNR and MDH on these changes and will move ahead in getting this language approved as a Governor's initiative, if AMC and MACPZA agree with this three part proposal.

II. County licensing and certification issues related to advance design systems

As to the county concern relating to the required certification and licenses for design and inspection of Type IV systems less than 2500 gallons per day, MPCA will undertake two actions:



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1. Develop a third level of design and inspector certification between the Basic and Advanced classifications for Designer and Inspector – this would be a restricted Advanced Designer or Inspector. This restricted AD or AI could then design or inspect a Type IV system under 2500 gpd.
2. Work with the University of Minnesota to develop a training program that supports the new classification.

As to developing a financial program that provides funding counties can use for review and approval of systems of 2,500 gpd or greater, the agency will address this in two ways:

1. We will develop a master contract that will allow counties to select individuals on the list to review/approve that portion of permit applications which currently require an Advanced Inspector. We will develop a method to finance this effort which minimizes administrative work and provides parity, and
2. We will develop a program which reimburses existing counties the same dollar value as above for Advanced Inspector work they perform on larger systems using their own staff.

The funding would come from Clean Water Fund allocation for county SSTS activities.

III. Training related to ALS

After the November 2011 meeting at MPCA, some counties raised additional questions relating to whether the University would provide certification training geared toward each county ordinance. It would not be practical to do training specific to each individual ordinance (unless each ordinance was the same). For administrative ease, counties may find it simplest to use the 2011 Rules as the general framework and identify those areas which they want to revert to the 2006 Rules as ALS. MPCA's response is that it may be best for those counties that want to use the 2006 standards as ALS countywide, including in shoreland, that AMC develop a model ordinance that would be used by all those counties. MPCA would commit to then reviewing the model ordinance with the University of Minnesota to assess the need for additional training offerings.

This is the MPCA's proposal to come to closure on the 2008 SSTS Rules debate and towards counties incorporating them in to their local ordinances (including through the use of ALS as outlined above). We believe this solves 90-95 percent of the concerns with the 2008 Rules by adding flexibility while still protecting the environment and public health. We believe these proposals are consistent with the spirit and direction discussed with AMC, MACPZA and MPCA leaders. Please let us know if AMC and MACPZA agree to this proposal and that upon actions described in this letter being implemented we have conclusively settled the concerns. We look forward to hearing back from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Koudelka".

Kirk Koudelka
Legislative Director

Enclosure

Draft Statutory Changes to allow use of ALS in shoreland that are based on 2006 version of rules

To use the “Good Cause Rulemaking Option”, which basically allows the agency to adopt statutory changes directly into the rule with minimal public input, the statute has to be changed to clearly show the legislative intent.

Here is draft bill language that could be used:

RULE AMENDMENT.

The commissioner of the Pollution Control Agency must amend rules necessary to conform to this act. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota Statutes, section 14.386, does not apply, except as provided in Minnesota Statutes, section 14.388.

The statute would be amended at the same time – here’s some possible language to do this:

MS 115.55 – Law changes

Subd. 7. Local standards.

(a) Existing systems. Counties may adopt by ordinance local standards that are less restrictive than the agency's rules in order to define an acceptable existing system. The local standards may include soil separation, soil classification, vegetation, system use, localized well placement and construction, localized density of systems and wells, extent of area to be covered by local standards, groundwater flow patterns, and existing natural or artificial drainage systems. The local standards and criteria shall be submitted to the commissioner for comment prior to adoption to demonstrate that, based on local circumstances in that jurisdiction, they adequately protect public health and the environment.

(b) New or replacement systems. Counties, after providing documentation of conditions listed in this paragraph to the commissioner, may adopt by ordinance local standards that are less restrictive than the agency's rules for new system construction or replacement in areas of sustained and projected low population density where conditions render conformance to applicable requirements difficult or otherwise inappropriate. Documentation may include a map delineating the area of the county to be served by the local standards, a description of the hardship that would result from strict adherence to the agency's rules, and evidence of sustained and projected low population density. The local standards must protect human health and the environment and be based on considerations that may include, but need not be limited to, soil separation, soil classification, vegetation, system use, localized well placement and construction, localized density of systems and wells, extent of area to be covered by local standards, groundwater flow patterns, and existing natural or artificial drainage systems. The local standards must provide cost-effective and long-term treatment alternatives. The draft

Draft Statutory Changes to allow use of ALS in shoreland that are based on 2006 version of rules

ordinance incorporating the local standards must be submitted with justification to the commissioner 30 days before adoption for review and comment.

(c) New or replacement systems; local ordinances. A local unit of government may adopt and enforce ordinances or rules affecting new or replacement subsurface sewage treatment systems that are more restrictive than the agency's rules. A local unit of government may not adopt or enforce an ordinance or rule if its effect is to prevent or delay recording with the county recorder or registrar of titles of a deed or other instrument that is otherwise entitled to be recorded.

(d) Local standards; conflict with state law. Local standards adopted under paragraph (a) or (b) must not conflict with any requirements under other state laws or rules or local ordinances, including, but not limited to, requirements for:

- (1) systems in shoreland areas, regulated under sections 103F.201 to 103F.221;
- (2) well construction and location, regulated under chapter 103I; and
- (3) systems used in connection with food, beverage, and lodging establishments, regulated under chapter 157.

Alternative local standards for new or replacement residential systems with flow of 2500 gallons per day or less may be applied to systems listed in (d) (1) provided the alternative standards are no less stringent than provisions of Minnesota Rules chapter 7080 that went into effect on April 3, 2006. In addition, alternative local standards for new or replacement residential systems with flow of 2500 gallons per day or less may be applied to systems listed in (d) (3) provided the alternative standards are no less stringent provisions of Minnesota Rules chapter 7080 that went into effect on April 3, 2006, except that the waste strength must meet the standards established in Minnesota Rules chapter 7080.2150 subp 3 K. If additional treatment of waste is needed to meet this standard, the treatment must be in accordance with Minnesota Rules chapter 7080.2150 subp 3 A. The local standards must include references to applicable requirements under other state laws or rules or local ordinances.

Terry Neff

From: Terry Neff [tneff@co.aitkin.mn.us]
Sent: Tuesday, January 24, 2012 2:16 PM
To: 'Andy.Geiger@co.cottonwood.mn.us'; 'angie.berg@co.stearns.mn.us';
'angiek@co.mower.mn.us'; 'barry.rhineberger@co.wright.mn.us';
'ben.crowell@co.jackson.mn.us'; 'bill.winter@co.pope.mn.us'; 'billkleindl@co.stevens.mn.us';
'bkalar@co.otter-tail.mn.us'; 'bob.scanlan@co.houston.mn.us'; 'bpoppel@co.wilkin.mn.us';
'bruce.benson@co.carlton.mn.us'; 'bruce.e.johnson@co.watonwan.mn.us';
'cade.steffenson@co.mille-lacs.mn.us'; 'cassandra.jacobson@mn.nacdnet.net';
'cgraves@co.fillmore.mn.us'; 'chelle.benson@co.benton.mn.us'; 'chris.pence@co.crow-
wing.mn.us'; 'colleen.eck@co.clay.mn.us'; 'dale.olson@co.koochiching.mn.us';
'dale.oolman@co.steele.mn.us'; 'dan.hecht@co.clearwater.mn.us';
'daniel.swenson@co.itasca.mn.us'; 'darren_w@co.big-stone.mn.us';
'dave.rush@mail.co.douglas.mn.us'; 'dawn.berg@co.cass.mn.us';
'deana.skov@co.wadena.mn.us'; 'don.dewey@co.itasca.mn.us';
'ebuitenwerf@co.hubbard.mn.us'; 'ejohnson@co.winona.mn.us';
'eric.hartman@co.rock.mn.us'; 'fcswcd@bevcomm.net'; 'friester@co.wabasha.mn.us';
'garry.johanson@co.todd.mn.us'; 'gary_g@co.kandiyohi.mn.us'; 'george.leary@co.blue-
earth.mn.us'; 'gordon.olson@co.jackson.mn.us'; 'greg.lillemon@co.grant.mn.us';
'handerson@co.kittson.mn.us'; 'jacob.snyder@co.polk.mn.us';
'jan.kaspari@co.marshall.mn.us'; 'jchristoffels@co.murray.mn.us'; 'jeffm@co.sibley.mn.us';
'jennifer.breberg@lqpc.com'; 'jennifer.buckentine@co.stearns.mn.us';
'jerry.vandervoort@co.meeker.mn.us'; 'john.ringle@co.cass.mn.us';
'johnbiren@co.lyon.mn.us'; 'jon_m@co.redwood.mn.us'; 'josh.holte@co.norman.mn.us';
'josh.holte@co.polk.mn.us'; 'josh.johnston@co.polk.mn.us'; 'josh_s@co.lake-of-the-
woods.mn.us'; 'jrunkel@co.rice.mn.us'; 'jshepard@swrdc.org'; 'kacenv@yahoo.com';
'kbrockway@co.le-sueur.mn.us'; 'kelly.moriarty@co.goodhue.mn.us';
'khenderschiedt@co.nobles.mn.us'; 'kristi.gross@co.goodhue.mn.us';
'kristin.cote@co.meeker.mn.us'; 'kurt.schneider@co.pine.mn.us'; 'kyle.krier@mn.nacdnet.net';
'Laura.sletta@co.brown.mn.us'; 'larry.gasow@co.mcleod.mn.us';
'Laura.rohde@co.waseca.mn.us'; 'leslie.makovsky@co.cottonwood.mn.us';
'lfreese@co.scott.mn.us'; 'lynn.waytashek@co.sherburne.mn.us';
'marc.schneider@co.sherburne.mn.us'; 'marc.telecky@co.mcleod.mn.us';
'mark.diekman@co.mahnomen.mn.us'; 'Mark.Leiferman@co.waseca.mn.us';
'mark_e@co.renville.mn.us'; 'marka@co.morrison.mn.us'; 'mary.thompson@co.rock.mn.us';
'Matthew.Huddleston@co.lake.mn.us'; 'mdschmi@co.chisago.mn.us';
'meganm@co.morrison.mn.us'; 'Melissa.devetter@co.dodge.mn.us';
'michael.wozniaK@co.goodhue.mn.us'; 'michele.mcpherson@co.mille-lacs.mn.us';
'mlandkamer@co.nicollet.mn.us'; 'mmettler@co.le-sueur.mn.us';
'nancy.riddle@co.sherburne.mn.us'; 'pam.flitter@co.martin.mn.us';
'pam.larson@co.swift.mn.us'; 'paul.fairbanks@co.cass.mn.us';
'peter.gansen@co.aitkin.mn.us'; 'plswens@co.becker.mn.us'; 'randy.jacobson@co.yellow-
medicine.mn.us'; 'rebecca.sternquist@mail.co.douglas.mn.us'; 'rick.frank@co.houston.mn.us';
'rolsen@co.lincoln.mn.us'; 'redding@co.nicollet.mn.us'; 'sara.gronfeld@mn.nacdnet.net';
'sara.isebrand@co.blue-earth.mn.us'; 'scott.collins@co.swift.mn.us';
'scott.deckert@co.wright.mn.us'; 'sjust@co.carver.mn.us'; 'smiths@co.st-louis.mn.us';
'stacy.marquardt@co.wright.mn.us'; 'stephanie.labrune@mn.nacdnet.net';
'steve.bassa@co.carlton.mn.us'; 'swilliams@co.chippewa.mn.us';
'teresa.wickeham@co.kanabec.mn.us'; 'tim.anderson@co.isanti.mn.us';
'tim.magnusson@co.clay.mn.us'; 'tim.nelson@co.cook.mn.us';
'tjossem.logan@co.olmsted.mn.us'; 'tmccorkell@co.rice.mn.us'; 'tneff@co.aitkin.mn.us';
'toddhammer@co.lyon.mn.us'; 'tom.salkowski@co.wright.mn.us';
'tpooler@co.wabasha.mn.us'; 'wade.robinson@mn.nacdnet.net';
'walt.vandenheuvel@co.lake.mn.us'; 'wayne.sorensen@co.freeborn.mn.us';
'william.patnaude@co.beltrami.mn.us'; 'wsmith@co.nobles.mn.us'
Subject: SSTS Proposal

To those that haven't adopted the New SSTS Rules:

I hope we all can stick together on this issue and have MPCA make the changes we have been asking for for several years. I would be agreeable to a resolution with my proposed statute language and provided they continue to train to the pre-2008 rule. If 50 of 87 counties are administering and enforcing the pre-2008 rule then why not provide the pre-2008 training? It doesn't make sense to train to the post-2008 rules. As an FYI, here are comments I sent to Annalee:

Annalee,

To address the concerns under #1 of the letter sent by Kirk Koudelka, dated January 19, 2012 – I suggest the following statute language be added to MS 115.55. Subp.7 (d):

Alternative local standards for new or replacement systems with flow of 2500 gallons per day or less may be applied to systems listed in (d) (1) and (3) provided the alternative standards are no less stringent than provisions of Minnesota Rules Chapter 7080 that went into effect on April 3, 2006. If additional treatment of waste is needed to meet the standards listed in 7080.0170, Subpart 1 (D) (2006 version of 7080), the treatment must be in accordance with Minnesota Rules Chapter 7080.2150, Subp 3 A.

As you know, the training appears to be a big concern for those that responded to your previous e-mail.

Let me know if you have any questions.

Terry

Following are my first comment:

I have a couple of concerns:

1. Under I – Use of 2006 as ALS – the second bullet would be going more restrictive than the 2006 and 2008 rules. We currently allow systems to use “performance” systems to treat the effluent and allow a reduced separation. So why can't we continue do this under ALS? If this isn't eliminated I can't agree with the proposal.
2. Under I – Use of 2006 as ALS – the third bullet – I don't see why they have this proposal for FBL facilities. The rules since at least 1999 have required any discharge to a soil treatment system to meet 220 mg/l BOD, 65 mg/l TSS and 30 mg/l FOG. Their proposal would require 170 mg/l BOD, 60 mg/l TSS and 25 mg/l FOG. Is this really worth the extra ink to put in Statute (or having the Legislature think the old rules didn't have any requirements)? If you pre-treat the effluent and over time it eventually gets to 170 mg/l, you have a problem that needs correcting. So, if it is 170 or 220 mg/l the issue will be the same – you will need to add additional treatment or make other changes to reduce the strength of the waste! I suggest the third bullet be for systems greater than 2500 gpd.
3. Under III – Training – I am uncomfortable with the MPCA and U of M reviewing a model ordinance to determine if there is a need for additional training. I can already tell you the answer to that question? Here in lies the problem with ALS. The MPCA is going to teach the 2008 Rule and use that to force all LGU's to adopt the Rules at a later date, if everyone is being trained to the new rules then why not mandate them state wide?

The MPCA has realized the Rules went too far and they are willing to compromise. However, I still see a battle down the road based on two sets of Rules being used by LGU's. I fear the training will be a problem.

Those are my comments.

Terry



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KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

[Authors and Status](#)

[List versions](#)



H.F. No. 1826, as introduced - 87th Legislative Session (2011-2012) Posted on Jan 24, 2012

- 1.1 A bill for an act
- 1.2 relating to environment; requiring modification to subsurface sewage treatment
- 1.3 rules.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **SUBSURFACE SEWAGE TREATMENT SYSTEM RULES.**
- 1.6 By July 1, 2012, the Pollution Control Agency shall publish rules in the State
- 1.7 Register with the contents of the agency's rules adopted under Minnesota Statutes, section
- 1.8 115.55, as they existed on December 31, 2007. The published rules shall replace the rules
- 1.9 adopted under Minnesota Statutes, section 115.55, in existence on the effective date of
- 1.10 this act. The rules published under this section are adopted upon publication without
- 1.11 further administrative action. Rules adopted under Minnesota Statutes, section 115.55, in
- 1.12 existence on the effective date of this act are repealed upon publication of rules according
- 1.13 to this section without further administrative action. Adoption and repeal according to this
- 1.14 section are not subject to Minnesota Statutes, chapter 14, and Minnesota Statutes, section
- 1.15 14.386, does not apply. The agency retains the authority to amend the rules under later
- 1.16 administrative action pursuant to Minnesota Statutes, chapter 14.
- 1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

Please direct all comments concerning issues or legislation
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