

CHAPTER 115

WATER POLLUTION CONTROL; SANITARY DISTRICTS

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115.55 INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

[For text of subd 1, see M.S.1994]

Subd. 2. Local ordinances. (a) Any ordinance adopted by a local unit of government to regulate individual sewage treatment systems must be in compliance with the individual sewage treatment system rules by January 1, 1998.

(b) A copy of each ordinance adopted under this subdivision must be submitted to the commissioner upon adoption.

[For text of subds 3 to 7, see M.S.1994]

History: 1995 c 233 art 1 s 5

115.56 MANDATORY LICENSING PROGRAM.

[For text of subd 1, see M.S.1994]

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

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

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

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

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

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

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

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

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

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

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

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

[For text of subs 3 and 4, see M.S.1994]

History: 1995 c 233 art 1 s 6

115.71 DEFINITIONS.

Subdivision 1. **Applicability.** As used in sections 115.71 to 115.77, the terms defined in this section have the meanings given them.

Subd. 2. [Repealed, 1995 c 180 s 16]

Subd. 3. [Repealed, 1995 c 180 s 16]

Subd. 3a. [Repealed, 1995 c 180 s 16]

Subd. 4. **Council.** "Council" means the water and wastewater treatment operators advisory council established by section 115.741.

Subd. 4a. **Population equivalent.** "Population equivalent" means a number determined by dividing a daily pound load of five-day, 20-degree-centigrade carbonaceous biochemical oxygen demand (CBOD) of raw sewage by 0.17.

[For text of subs 5 and 6, see M.S.1994]

Subd. 8. **Wastewater treatment facility operator.** "Wastewater treatment facility operator" means a person who has direct responsibility for the operation of or operates a wastewater treatment facility.

[For text of subd 9, see M.S.1994]

Subd. 9a. **Water supply system.** "Water supply system" means a public system providing pumped water for human consumption, if the system has at least 15 service connections or regularly serves at least 25 of the same persons over six months per year.

Subd. 10. **Water supply system operator.** "Water supply system operator" means a person who has direct responsibility for the operation of or operates a community water supply system or such parts of the system as would affect the quality and safety of the water.

History: 1995 c 180 s 1-6

115.72 RULES.

Subdivision 1. **Classification.** (a) The commissioner of health shall jointly with the agency adopt rules relating to the classification of all water supply systems actually used or intended for use by the public.

(b) The pollution control agency shall jointly with the commissioner of health adopt rules relating to the classification of all wastewater treatment facilities actually used or intended for use by the public or by any considerable number of persons.

(c) The classes described in paragraphs (a) and (b) shall be based on the degree of hazard to public health, the type of unit process, the loading of the plant, and the population served or the population equivalent of the sewage handled.

Subd. 2. **Certification qualifications.** The commissioner of health and the agency shall jointly adopt rules relating to the certification qualifications for each classification of water supply system operators and wastewater facility operators, respectively. The rules must provide for at least one annual examination for each class of certificate and must include, but are not limited to:

- (1) education requirements;
- (2) education substitution provisions;
- (3) experience requirements;

- (4) experience substitution provisions;
- (5) examination content requirements, testing procedures, and criteria for passing;
- (6) certificate renewal requirements;
- (7) schedules for submitting applications and fees; and
- (8) reinstatement requirements for expired, suspended, or revoked certificates.

The advisory council must be consulted before any rules are proposed under this subdivision.

History: 1995 c 180 s 7

115.73 CERTIFICATION REQUIRED.

A person may not operate a water supply system or wastewater treatment facility unless the system or facility maintains at least one person that:

- (1) is certified in a class equal to or higher than the class of the system or facility; and
- (2) has full and active responsibility for the daily on-site operation of the system or facility, or of a portion of the system or facility if an additional operator or operators with appropriate certification are responsible for the remaining portions.

History: 1995 c 180 s 8

115.74 [Repealed, 1995 c 180 s 16]

115.741 ADVISORY COUNCIL ON WATER SUPPLY SYSTEMS AND WASTEWATER TREATMENT FACILITIES.

Subdivision 1. **Purpose; membership.** The advisory council on water supply systems and wastewater treatment facilities shall advise the commissioners of health and the pollution control agency regarding classification of water supply systems and wastewater treatment facilities, qualifications and competency evaluation of water supply system operators and wastewater treatment facility operators, and additional laws, rules, and procedures that may be desirable for regulating the operation of water supply systems and of wastewater treatment facilities. The advisory council is composed of 11 voting members, of whom:

- (1) one member must be from the department of health, division of environmental health, appointed by the commissioner of health;
- (2) one member must be from the pollution control agency, water quality division, appointed by the commissioner of the pollution control agency;
- (3) three members must be certified water supply system operators, appointed by the commissioner of health;
- (4) three members must be certified wastewater treatment facility operators, appointed by the commissioner of the pollution control agency;
- (5) one member must be a representative from an organization representing municipalities, appointed by the commissioner of health with the concurrence of the commissioner of the pollution control agency; and
- (6) two members must be members of the public who are not associated with water supply systems or wastewater treatment facilities. One must be appointed by the commissioner of health and the other by the commissioner of the pollution control agency.

Subd. 2. **Geographic representation.** At least one of the water supply system operators and at least one of the wastewater treatment facility operators must be from outside the seven-county metropolitan area and one wastewater operator must come from the metropolitan council wastewater services.

Subd. 3. **Terms; compensation.** The terms of the appointed members and the compensation and removal of all members are governed by section 15.059. The council expires June 30, 1999.

Subd. 4. **Officers.** When new members are appointed to the council, a chair must be elected at the next council meeting. The department of health representative shall serve as secretary of the council.

History: 1995 c 180 s 9

115.75 OPERATOR CERTIFICATES.

Subdivision 1. **Issuance.** The commissioners of health and the pollution control agency shall issue certificates to water supply system operators and wastewater treatment facility operators, respectively, who meet the requirements of the rules adopted under section 115.72. Each certificate must indicate the classification of the system or facility which the operator is qualified to operate.

Subd. 2. **Display.** Certificates must be prominently displayed in the office of the operator or other appropriate place on the premises of the plant or treatment facility.

Subd. 3. **Validity.** Certificates are valid for a period of three years unless revoked or suspended by the commissioner of health or the commissioner of the pollution control agency prior to that time. Certificates may be renewed upon application to the appropriate commissioner.

Subd. 4. **Denial, refusal to renew, revocation, and suspension.** The commissioner of health and the commissioner of the pollution control agency may deny, refuse to renew, revoke, or suspend the certification of a water supply system operator or a wastewater treatment facility operator, respectively, in accordance with section 144.99, subdivisions 8 to 10.

Subd. 5. **Expiration.** The certificates of operators who terminate their employment at a water supply system or wastewater treatment facility will remain valid for the unexpired term of the certificate. Operators whose certificates expire under this section may be issued new certificates of a like classification provided appropriate proof of competency is submitted to the appropriate commissioner. Successful completion of an examination may be required.

Subd. 6. **Records.** The commissioner of health shall maintain records relating to certification of water supply system operators, and the commissioner of the pollution control agency shall maintain records relating to certification of wastewater treatment facility operators.

History: 1995 c 180 s 10

115.76 RECIPROCITY.

The commissioner of health, in the case of water supply system operators, and the commissioner of the pollution control agency, in the case of wastewater treatment facility operators, upon application, may issue certificates without examination, in a comparable classification to any person who holds a certificate in any state, territory, or possession of the United States or any country, providing the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions of sections 115.71 to 115.77 and are of a standard not lower than that specified by rules adopted under sections 115.71 to 115.77.

History: 1995 c 180 s 11

115.77 FEES.

Subdivision 1. **Fees established.** The following fees are established for the purposes indicated:

- (1) application for examination, \$32;
- (2) issuance of certificate, \$23;
- (3) reexamination resulting from failure to pass an examination, \$32;
- (4) renewal of certificate, \$23;
- (5) replacement certificate, \$10; and
- (6) reinstatement or reciprocity certificate, \$40.

Subd. 2. **Fees paid to state treasurer.** 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: 1995 c 180 s 12

115.78 [Repealed, 1995 c 180 s 16]

115.79 [Repealed, 1995 c 180 s 16]

115.80 [Repealed, 1995 c 180 s 16]

115.82 [Repealed, 1995 c 180 s 16]