

HOUSE RESEARCH

Bill Summary

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Overview

This bill would make a number of changes related to subsurface sewage treatment systems (SSTSs), including: renaming them in statute (from individual sewage treatment systems (ISTSs)); modifying SSTS disclosure requirements applicable when transferring property; allowing local units of government to regulate homeowner installations; allowing bond requirements for licensure to also meet the bond requirements for plumbers; and adding fraud, illegal activity, and other actions to the list of reasons that may be used for revoking a license.

Section

- 1** **Definitions.** Amends § 115.55, subd. 1. Replaces “individual” with “subsurface” to reflect the name change of the systems, modifies the definition of an SSTS as one that does not require a state permit, and makes other changes to terminology.
- 2** **Local ordinance.** Amends § 115.55, subd. 2. Technical (name change).
- 3** **Rules.** Amends § 115, subd. 3. Adds “closure” of SSTSs to the list of actions the Pollution Control Agency (PCA) shall adopt standards and criteria for and removes obsolete language.
- 4** **Compliance with rules required.** Amends § 115.55, subd. 4. Adds a person who services or abandons a SSTS to those required to comply with applicable requirements.
- 5** **Inspection.** Amends § 115.55, subd. 5. Requires the inspection of an SSTS before a local unit of government may issue a building permit or variance for the addition of a bedroom (currently the local unit of government can only issue permits to those in compliance, requiring upgrades for those that do not).
- 6** **Inspection criteria for existing systems.** Amends § 115.55, subd. 5a. Defines existing systems for purpose of an exemption from upgrade, repair, and replacement requirements when failing to meet certain criteria, as those constructed before April 1, 1996, and removes

the overall definition of existing system for the remaining provisions of the section.

- 7 **Compliance notice.** Amends § 115.55, subd. 5b. Removes an existing SSTS compliance requirement that is inconsistent with other upgrade requirements.
- 8 **Disclosure of subsurface sewage treatment system to buyer.** Amends § 115.55, subd. 6. Clarifies SSTS disclosure requirements that apply when transferring property and adds a requirement that a copy of a previous inspection report, if available, be attached to the disclosure statement.
- 9 **Warrantied systems.** Amends § 115.55, subd. 9. Adds a sunset date of February 4, 2010, to existing warrantied system requirements to coincide with the implementation of a new product registration process established in rule.
- 10 **Rules.** Amends § 115.56, subd. 1. Technical.
- 11 **License required.** Amends § 115.56, subd. 2. Includes a number of technical changes to incorporate terminology and definition changes and removal of obsolete language.

Paragraph (a) states that licensees who design systems using the design prescribed by the PCA are not subject to the additional licensing requirements under section 326.03 (which apply to architects, engineers, surveyors, landscape architects, geoscientists and interior designers).

Paragraph (b) includes modifications to an existing licensure exemption for homeowners constructing their own SSTS by: allowing local ordinances to prohibit such work; requiring homeowners to comply with all local administrative and technical requirements; and requiring that the systems be inspected before they are covered and a compliance report be submitted to the local unit of government.

Paragraph (e) allows bonds required for SSTS licensure to be a joint bond that would also meet the bond requirements for plumbing licenses.

- 12 **Enforcement.** Amends § 115.56, subd. 3. Adds additional fraud, illegal activity, conflict of interest and failure to resolve an enforcement action with a local, state, or federal agency to the list of reasons for which an SSTS license may be revoked.
- 13 **Bond; insurance.** Amends § 326B.46, subd. 2. Adds a cross reference in the plumbing bond requirements to the new joint bond provision established in section 11.
- 14 **Revisor's instruction.** Instructs the Revisor to change "individual sewage treatment system(s)" to "subsurface sewage treatment system" in statute.
- 15 **Repealer.** Repeals § 115.55, subd. 10 (obsolete language related to rulemaking); and § 115.56, subd. 2a., (obsolete language related to temporary licenses).