

Steele County, Minnesota
Sewage and Wastewater Treatment Ordinance

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Steele County, Minnesota Sewage and Wastewater Treatment Ordinance

The Board of Commissioners of Steele County, Minnesota, does hereby ordain and adopt this Ordinance for the regulation of (1) the design, construction, repair and operation of individual sewage treatment systems (ISTS); (2) the utilization of privy vaults and other non-water carried sewage disposal systems; (3) the removal, transport, treatment, and disposal of seepage; (4) the adoption of minimum standards for the treatment and disposal and sewage and seepage, (5) and the enforcement of this regulation and the establishment of penalties for unincorporated areas of Steele County.

Section 710. General Provisions

710.01 PURPOSE.

The purpose of the Sewage and Wastewater Treatment Ordinance shall be to provide minimum standards for and regulation of ISTS and seepage disposal including the proper location and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Chapter 145A, Subd. 4 and Minnesota Rules, Chapter 7080.

710.02 OBJECTIVES.

The principal objectives of this Ordinance shall include the following:

- a) The protection of Steele County's lakes, wetlands, rivers and streams, and potable supplies of groundwater essential to the promotion of public health, safety and welfare; the protection of the County's environment and its socioeconomic growth and development of the county in perpetuity;
- b) Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper ISTS construction, reconstruction, repair and maintenance and proper seepage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater;
- c) The provision of establishing minimum standards for septic system placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration;
- d) The provision of establishing minimum standards for seepage removal, transport, treatment and disposal;
- e) The utilization of privy vaults and other non-water carried sewage disposal systems;
- f) The prevention and control of waterborne disease, lake degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, septic system surveys and complaint investigations, as well as through technical assistance and education.

710.03 SCOPE.

This Ordinance shall regulate the design, construction, repair and/or replacement of ISTS in Steele County, including but not necessarily limited to, ISTS and cluster or community ISTS, privy vaults and other non-water carried sewage disposal systems, and the disposal of seepage.

710.04 DEFINITIONS.

For the purpose of this Ordinance, definitions of terms provided in Minnesota Rules Chapter 7080 and related laws and regulations shall have the same meaning subscribed to them in this Ordinance, as well as the following definitions and terms:

- a) Aggrieved Person means an applicant, permittee, licensee or adjoining landowner.
- b) Corrective Action means any action required by the Department to ensure compliance or conformance with this Ordinance and State Regulations.
- c) Crops for Direct Human Consumption means crops that are consumed by humans without processing to minimize pathogens prior to distribution to the customer.
- d) Department means the Steele County Community Health Services Department, its Sewage Inspector, County Sanitarian, Environmental Health Specialist or other designated agent.
- e) Food Chain Crops means those crops grown for human consumption or fed to animals whose products are consumed by humans.
- f) Groundwater means that water contained below the surface of the earth in a saturated zone.
- g) Incorporation means the mixing of seepage with the topsoil, concurrent with the application of immediately thereafter, by means such as discing, plowing, rototilling or injection.
- h) Land Spreading means the placement of seepage or human waste from septic or holding tanks on or into the soil surface.
- i) Non-water Carried Sewage Systems means a device for the disposal of human excreta in a structure designed to treat sewage utilizing methods that significantly reduce or eliminate the addition of water to the sewage. These systems include, but are not limited to, privies, chemical toilets, recirculating toilets, combustion toilets, composting toilets, oil flush toilets, and portable toilets.
- j) Pasture Crops means crops such as legumes, grasses, grain stubble, and stover which are consumed by animals while grazing.
- k) Person means any natural person, any state, municipality or other governmental or other political subdivision or other public agency or instrumentality, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing, and any other entity.
- l) Recreational Area means any public park, campground, playground, athletic field, picnic ground, swimming beach, fairground, any commercial campground, resort, riding stable or golf course.
- m) Recreational Camping Vehicle means:
 - 1. any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
 - 2. any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation; and
 - 3. any portable, temporary dwelling to be used for travel, recreation, and vacation constructed as an integral part of a self-propelled vehicle.

- n) Residential Development means an area containing a concentration of buildings used as the residence or sleeping place for 10 or more persons, but not including tents, recreational camping vehicles, or similar portable housing.
- o) Road Right-of-Way means any interstate, United States, state, county, municipal, or township highway or road including any shoulder and drainage ditch alongside the road.
- p) Soil Conservation Service means the United States Department of Agriculture Soil Conservation Service.
- q) Transfer of Property means the Act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.
- r) Utilization of Seepage means the land application of seepage at rates where the quantity of nutrient and non-nutrient elements and solid conditioning materials are generally consistent with the biochemical assimilative capacity of the soil-plant system.
- s) Water Table means the highest elevation in the soil where all voids are filled with water, as evidenced by the presence of water, soil mottling or other information.
- t) Wetland means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface of the land or covered by shallow water. For purposes of this definition, wetlands must have the following three (3) attributes:
 - 1. have a predominance of hydric soils;
 - 2. are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and;
 - 3. under normal circumstances support a prevalence of such vegetation.

Section 711. Administration

711.01 STANDARDS ADOPTED BY REFERENCE.

This Ordinance hereby adopts by reference Minnesota Rules Chapter 7080, known as the "Individual Sewage Treatment Systems Standards," which shall embody the minimum standards for the design, location, installation, use, and maintenance of ISTS in Steele County.

711.02 ADMINISTRATION BY STATE AGENCIES.

- a) For an ISTS, or group of systems that are located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a State Disposal System permit from the Minnesota Pollution Control Agency if any of the following conditions apply:
 - 1. The on-site sewage treatment system or systems are designed to treat an average daily flow greater than 10,000 gallons per day; or
 - 2. The on-site sewage treatment system or systems are designed to treat a maximum monthly average daily flow of 15,000 gallons per day or more. The on-site sewage treatment systems must, at a minimum, conform to the requirements of this Ordinance.
 - 3. The waste generated on-site includes any of the following:
 - any hazardous waste
 - floor drain effluent

- shop sink wastes
- oily wash water
- industrial process wastes

If any of the above wastes are generated on-site, the owner must contact the administrator of this ordinance and learn how to dispose of the waste in an approved manner. Disposal in an ISTS may not be used.

- b) For dwellings including apartments, townhouses, resort units, rental cabins and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a State Disposal System Permit.
- c) ISTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota including, but not limited to, campgrounds, resorts, mobile home parks, eating and drinking establishments shall conform to the requirements of this Ordinance.
- d) Any ISTS requiring approval by the State of Minnesota shall also comply with all local codes and this Ordinance.

711.03 ADMINISTRATION BY STEELE COUNTY.

The Steele County Environmental Services or the Designated Sanitarian shall regulate ISTS and seepage disposal in Steele County pursuant to this Ordinance.

- a) The Certified Inspector shall have the following duties and responsibilities:
 1. to review all applications for on-site sewage treatment systems;
 2. to review all applications for the land application of seepage;
 3. to issue all permits and licenses required by this ordinance;
 4. to inspect work in progress and to perform the necessary tests to determine its conformance with this Ordinance;
 5. to investigate complaints regarding ISTS and seepage disposal;
 6. to perform sanitary surveys and, where necessary, to conduct dye testing of existing ISTS or order an excavation of an installed system to determine conformance with this Ordinance;
 7. to issue Stop Work Orders, Notices of Violation, Notices of Suspension and Notices of Revocation pursuant to this Ordinance;
 8. to take complaints to the County Attorney for violations of this Ordinance; and
- b) Neither the issuance of permits, certification of inspection, nor any other certification of compliance requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

Section 712. Permitting

712.01 PERMITS REQUIRED.

- a) Construction Permits. No person shall install, alter, repair, or extend an on-site sewage treatment system without first making an application for a permit and obtaining said permit from the Building and Zoning Department for each specific installation, alteration, repair or extension pursuant to this Ordinance. A permit shall not be required only for the work identified under Section 712.02. Such permits are not transferable as to person or place. Such permits shall expire twelve (12) months after date of issuance.
- b) Seepage Land Application Permits. A permit shall be obtained for each site used for the land application of seepage. Seepage removed from a septic or holding tank can be landspread on said site without a permit provided the site and soil conditions conform to requirements under Section 715.02h. Any site with soils that have severe restrictive soil features for Sanitary Facilities as identified by the Soil Conservation Service Soil Survey shall not be used as a land application site without said permit.
 - 1. Applications for land application sites shall be considered with other information available at the Department and with the Soil Conservation Service, including topographic and Soil Conservation Service maps which report available water capacity, soil texture, permeability, slope, drainage ways, water table, and bedrock. When information from the Soil Conservation Service adequate to assure that the proposed land application site has only "slight" restrictive soil features for septic tank sanitary facilities, the initial application for the land application site shall be adequate for consideration by the Department. Proposed sites that show moderate or severe restrictive soil features shall be considered according to the proposed land application plan and the type of restrictive soil feature. Such sites may require more extensive soil testing and evaluation.
 - 2. Applications for Land Application Permits shall be made annually on or before April 1 on a form furnished by the Department. Permits shall expire on the next April 1 following the date of issue unless otherwise limited. Such permits are not transferable.
- c) Posting of Permits. Permits shall be available for inspection and displayed as established by this Ordinance or upon demand.

712.02 PERMITS NOT REQUIRED.

Permits shall not be required only for the following:

- a) installation or repair of the solid sewer pipe from the building to the septic or holding tank;
- b) installation or repair of the solid sewer pipe from the septic tank to the first distribution or drop box;
- c) repair or replacement of pumps, floats or other electrical devices of the pump; and
- d) repair or replacement of baffles in the septic tank.

712.03 PROPERTY OWNERS DOING OWN WORK.

Whenever allowed by this Ordinance, property owners who may be permitted to construct, reconstruct or repair ISTS on their own properties shall be exempted from providing proof of insurance or a bond but shall be required to execute a signed indemnification agreement pursuant to Section 712.04 of this Ordinance. Property owners doing their own work must comply with Section 712.01 as well as other applicable provisions of this Ordinance. A property owner shall have either a Provisional or Full Certificate issued by the Minnesota Pollution Control Agency for ISTS if they wish to perform the site evaluation or design their ISTS.

712.04 INDEMNIFICATION AGREEMENT.

The permittee shall provide a signed agreement to the Department which indemnifies and saves the County, holding it harmless from all losses, damages, costs and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provision of this Ordinance and which are not otherwise payable through the insurance and bond coverage if required by this Ordinance.

712.05 PERMIT APPLICATION REQUIREMENTS.

The permit application shall contain the following information:

- a) Street address, township and section of the property(ies);
- b) Name, address, and telephone number of the permittee and the landowner; if applicable; and
- c) Information that shall be required by the Department to assure compliance with this Ordinance, including site evaluation, design parameters and complete ISTS plan.

712.06 APPLICATION REVIEW AND APPROVAL.

If, after consideration of the application for a permit, the Department shall be satisfied that the work contemplated conforms to and complies with provisions of this Ordinance, the Department shall issue a written permit. One copy of the permit shall be kept available at the work site until such work is completed by the permittee and approved by the Department.

712.07 DENIAL OF PERMIT.

The Department may deny any permit for failure to comply with this Ordinance. If, after consideration of the application for a permit, the Department shall be satisfied that the work contemplated will not conform to or comply with the provisions of this Ordinance, the Department shall deny the permit. Notice of such denial shall be served on the applicant or permittee by mail. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the Department at any reasonable time for reconsideration.

712.08 FEES.

The County Board shall establish, by resolution, fees for each of the permits and licenses required by this Ordinance.

- (a) Payment of Fees. Fees shall be due and payable at the time of permit and license application. Fees for any permits required to be renewed shall be due and payable at a date specified on the permit. Fees may not be prorated for portions of a year, and fees may not be refundable either in whole or in part unless otherwise authorized by the Department.

712.09 VARIANCES.

An affected property owner may request a variance from the specific requirements of this Ordinance. The Steele County Environmental Services or the Designated Sanitarian shall have the authority to grant variances when the purposes and intent of the variance are consistent with this Ordinance, Steele County's Comprehensive Land Use Plan, Steele County's Zoning Ordinance, Steele County's Water Plan and groundwater and surface water protection strategies.

- a) Procedure for Requesting a Variance. An application for a variance shall be filed with the Department. The application shall be accompanied by plans showing such information as the Department may require for purposes of this ordinance. The plans shall contain sufficient information for the Department to determine whether the proposed variance will meet all applicable standards if the variance is granted. The application shall include the following:
 1. Name, address, and telephone number of the applicant and permittee;
 2. The township and section of the property involved in the request for the variances;
 3. The names, addresses and telephone numbers of owners of the property or any persons having a legal interest therein;

4. The names and addresses of all property owners of record within five hundred (500) feet of the affected property;
 5. A site plan showing all pertinent dimensions, buildings, structures and significant natural features having an influence on the variance;
 6. The variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance;
 7. Copies of required State and Federal permits or approvals; and
 8. Any other information the Department deems necessary.
- (b) The Steele County Environmental Services or the Designated Sanitarian or designee shall have the authority to review a variance within ten (10) working days which may be extended an additional ten (10) days upon good cause.
- (c) Any aggrieved person may appeal the approval or denial of a variance within five (5) days after receipt of the decision by filing an appeal with the County Administrator for a determination by the County Board.
- (d) No application for a variance which has been denied shall be resubmitted for a period of six (6) months from the date of said denial, except on the grounds of new evidence or proof of change on conditions found to be valid.
- (e) A violation of any condition set forth in granting a variance shall be a separate violation of this Ordinance and may result in revocation of a permit granted on the basis of the variance.
- (f) No variance shall be granted except under the following circumstances:
1. That there are unique conditions affecting the property as a result of lot size, layout, shape, topography, soil conditions or other circumstances which the landowners have no control over; and
 2. Variance approval will not adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or damaging to property or improvements in the area adjacent to the property of the applicant, and that granting of the variance will not adversely impact water quality.
- (g) If applicable, state variance approval shall be obtained by the applicant prior to the issuance of a variance. All costs associated with obtaining a variance from State regulations shall be the responsibility of the applicant.

712.10 SOIL BORINGS AND PERCOLATION TESTS.

- a) Soil Borings. Three (3) soil borings are required. They shall be made as follows:
1. One (1) boring shall be made at each end of the drainfield while the third shall be in the center of the drainfield.

Section 713. Enforcement and Penalties

713.01 GENERAL REQUIREMENTS.

- a) Regulations. The Department shall enforce, pursuant to this Ordinance, minimum standards for ISTS, the land application of seepage and permitting and licensing requirements.
- b) Misdemeanor Penalty. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document

required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

- c) Injunctive Relief and Other Remedies. In the event of a violation of this Ordinance, the Department may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for Corrective Action may be recovered by the Department in a civil action in any court of competent jurisdiction or, at the discretion of the Department, the costs may be certified to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the Department, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.
- d) Costs.
 - 1. All costs associated with the construction, repair, replacement, alteration or extension of on-site sewage treatment systems shall be the responsibility of the current landowner, unless otherwise provided for in this Ordinance.
 - 2. All costs associated with the land application of seepage shall be the responsibility of the person who applies seepage at each location. Clean-up costs resulting from the improper disposal of seepage shall be born by the person who applied seepage to that property.
- e) Access to Premises and Records. Upon the request of the Department, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Ordinance.
- f) Interference Prohibited. No person shall hinder or otherwise interfere with the Department in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the Department shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

713.02 INSPECTIONS.

The permittee shall notify the Department prior to the completion and covering of the ISTS. If any ISTS component is covered before being inspected and approved by the Department, it shall be uncovered upon the direction of the Department. The installation and construction of the ISTS shall be in accordance with the permit requirements and application design. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Department prior to construction.

- a) Notifications for Inspections.
 - 1. It shall be the duty of the permittee to notify the Department in person, by telephone, or in writing between the hours of 8:00 a.m. and 4:00 p.m. on the workday preceding the day inspection is desired. If adjustments of the specific inspection time are necessary, the final notice shall be given not less than four (4) hours in advance of the time the permittee desires inspection.
 - 2. It shall be the duty of the permittee to make sure that the work meets the prescribed standards and limitations before giving the above notification.
 - 3. The equipment and supporting labor necessary for the inspection shall be furnished by the permittee.
 - 4. If the permittee provides proper notice as described above and the Department does not appear for an inspection within one (1) hour of time set, excluding hours when the Department is closed, Saturdays, Sundays, and legal holidays, the permittee may complete the installation. The permittee shall then file a signed AS-Built Plan with the Department within five (5) working days that the work was installed in accordance with this Ordinance and permit conditions and that it was free from defects. The AS-Built Plan shall include a detailed drawing of the ISTS, location of the ISTS components, and their

relative location to permanent structures or physical features of the lot on forms provided or approved by the Department.

5. When required by the Department, holding, septic, or dosing tanks shall be filled with liquid to the discharge invert level to demonstrate they are watertight.
- b) Inspection Report.
1. An Inspection Report shall be prepared by the Certified Inspector at the time of an inspection. Any Corrective Action verbally given to an installer at the time of the inspection shall be identified on the Inspection Report. The Inspection Report shall be mailed to the landowner.

713.03 STOP WORK ORDERS.

Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order the work stopped by written notice personally served upon the installer or owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Department.

713.04 NOTICE OF VIOLATIONS.

- a) Cause to Issue a Notice of Violation. Unresolved and either separate, recurrent, or continuing violations of this Ordinance by an applicant, permittee, installer or other person, as determined by inspections, re-inspections, or investigations shall constitute non-conformance or non-compliance with the Ordinance.
- b) Serving a Notice of Violation. A Notice of Violation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this Ordinance.
- c) Contents of a Notice of Violation. A Notice of Violation shall contain the following:
 - 1) a statement documenting the findings of fact through inspections, re-inspections or investigations;
 - 2) a list of specific violations of this Ordinance.
 - 3) the specific requirements for correction or removal of said violations;
 - 4) a mandatory time schedule for correction, removal and compliance with the Ordinance; and
 - 5) specific enforcement actions that will be taken if Corrective Action is not completed.
- d) Enforcement Action. If specific violations of the Ordinance are not adequately corrected at the time schedule identified in the Notice of Violation, the applicant, permittee, installer or other person shall be subject to those enforcement actions identified in this Ordinance.

713.05 SUSPENSION.

- a) Cause to Issue Notice of Suspension. Any permit required under this Ordinance may be suspended by the Department for violation of any provision of this Ordinance. Upon written notice to the applicant and permittee, said permit may be suspended by the Department for a period not longer than sixty (60) days or until the violation is corrected.
- b) Serving a Notice of Suspension. Written notice of suspension shall be served on the permittee by mail and shall be effective on the date identified on the notice of suspension. If the Department concludes that there is a health hazard, suspension may be effective immediately upon notice to the permittee.
- c) Contents of a Notice of Suspension. A Notice of Suspension shall contain the following:

1. the effective date of the suspension;
 2. the nature of the violation or violations constituting the basis for the suspension;
 3. the facts which support the conclusion that a violation or violations has occurred; and
 4. a statement that if the permittee desires to appeal, the permittee must, within ten (10) County working days, exclusive of the day of service, file a request for hearing pursuant to the Steele County Administrative Ordinance.
- d) Enforcement Action. If said suspension is upheld and the permittee has not demonstrated within the sixty (60) day period that the provisions of this Ordinance have been complied with, the Department may serve notice by mail of continued suspension for up to an additional sixty (60) days or initiate revocation procedures.
- e) Suspension Re-inspections. Upon written notification from the permittee that all violations for which suspension or summary suspension was invoked have been corrected, the Department shall re-inspect the

ISTS or activity within a reasonable length of time, but in no case more than five (5) County working days after receipt of written notice from the permittee. If the Department finds upon such re-inspection that the violations constituting the grounds for the suspension have been corrected or removed, the Department shall immediately dismiss the suspension by written notice to the permittee.

713.06 REVOCATION OF PERMITS.

- a) Cause to Issue a Notice of Revocation. Any permit granted pursuant to the Ordinance may be revoked by the Department for violation of any provisions of this Ordinance.
- b) Serving a Notice of Revocation. A Notice of Revocation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this Ordinance. Revocation shall not occur earlier than ten (10) County working days from the time that the Notice of Revocation is served by the Department. If a hearing is requested pursuant to the Steele County Sanitary Ordinance, revocation shall not occur until written notice of the Department action has been served on the permittee.
- c) Contents of a Notice of Revocation. A Notice of Revocation shall contain the following:
1. the effective date of the revocation;
 2. the nature of the violation or violations constituting the basis of revocation;
 3. the facts which support the conclusion that a violation or violations has occurred; and
 4. a statement that if the permittee desires to appeal, the permittee must, within ten (10) County working days, exclusive of the day of service, file a written request for a hearing pursuant to the Steele County Administrative Ordinance.

713.07 REVOCATION OF LICENSES.

Any installation, design, construction, alteration or repair of an ISTS by a licensed person or any pumping and disposal of seepage by a licensed pumper or hauler done in violation of the provisions of this Ordinance shall be cause for revocation of said license or refusal to renew said license. Before any license may be revoked or renewal refused, the licensee may request a hearing pursuant to provisions in the Steele County Sanitary Ordinance.

713.08 EMBARGO, CONDEMNATION, AND SEIZURE.

- a) The use of material, equipment, or machinery shall not be continued whenever use of such is contrary to the provision of this Ordinance.

- b) The Department may seize, embargo or condemn any on-site sewage system or its supplies, and machinery; or other materials, devices, products, or services which do not meet the provisions of this Ordinance and whose continued use or presence may pose a potential or imminent threat to the environment or to public health, safety, or welfare.
- c) The Department shall place a tag to indicate the seizure, embargo, or condemnation of the suspect items. No person shall remove the tag or remove, transport, dispose, treat, or use such seized, embargoes, or condemned material except as authorized by the Department.

Section 714. Hearings

An aggrieved person may request a formal hearing on the approval or denial of a variance, the suspension or revocation of a permit, or the revocation or refusal to renew a license. If any aggrieved person properly requests a hearing, such hearing shall be held before the Steele County Board of Health.

Section 715. Standards for Health and Environmental Protection

715.01 CONSTRUCTION STANDARDS.

The standards provided in Minnesota Rules, Chapter 7080, shall be the basis for permit applications and issuance of permits, the conduct of inspections of work in progress, the issuance of notices of violations and notices of suspensions or revocation.

715.02 ADDITIONAL STANDARDS.

In addition to the above standards, the following shall also apply.

- a) Preliminary Plats. All preliminary plats for proposed developments shall be submitted to the Department for review to determine if ISTS that comply with this Ordinance could reasonably be installed on each lot in the proposed development.
 - 1. The Department may require information and studies relating to soils, percolation rates, water table and bedrock evaluations, setback requirements and other relevant features, and information as to the economic feasibility of construction or connection to a central sewage treatment system to serve all or a portion of such lots identified in the preliminary plat.
 - 2. All preliminary plats shall demonstrate the ability of each lot to accommodate two (2) ISTS.
 - 3. Each lot with the proposed development, as identified on the preliminary plat, shall include the following:
 - (a) Two (2) foot contours
 - (b) Proposed building pad and driveway
 - (c) Proposed well site
 - (d) Two (2) areas suitably sized for ISTS
 - (e) Percolation tests and soil boring data
 - (f) Drainage and utility easements

- b) Repairs to Non-Conforming Septic Systems. No repairs will be permitted to a non-conforming septic system unless specifically exempted in Section 712.02. Non-conforming systems must be replaced pursuant to Chapter 7080 standards, unless, the administrator of this ordinance determines repairs can be made to the non-conforming system which will upgrade it to conforming status.
- c) Replacement of Failing or Non-Conforming Septic Systems.
1. Transfer of Property. A failing or non-conforming ISTS, as defined in Section 710.04 shall be brought into compliance with this Ordinance when a Transfer of Property occurs after January 1, 1992. The seller shall obtain a "Septic System Evaluation" from the Department. The seller shall be responsible for all costs associated with the evaluation of an existing ISTS. In those times of year when the ground is frozen and no evaluation can be done, the seller shall be required to establish an escrow account to be used to bring a treatment system in compliance if, upon evaluation, it is determined to be a non-conforming or failing system. The account shall be established in a financial institution mutually agreed upon with the buyer and shall be jointly controlled by seller and buyer. The amount to be deposited in the escrow account shall be determined by the administrator of this Ordinance. All costs associated with the repair or replacement of a failing or non-conforming ISTS shall be the responsibility of the seller, or as otherwise provided for in written agreement between the seller and buyer. If the property for which an evaluation is requested is also being offered for sale, a failing ISTS shall be brought into compliance with this Ordinance within ninety (90) days. The Department will give consideration to unique conditions as compliance dates are established.
 2. Complaint Investigation. When sewage, septic tank effluent, or seepage from a soil treatment system is found to discharge into a well, onto the surface, or into bodies of surface water, the existing ISTS shall be replaced with an ISTS which conforms to this Ordinance. The owner(s) shall submit to the Department an acceptable Replacement Plan within twenty (20) days after notification by the Department. The Replacement Plan shall identify the location and design of the ISTS and a schedule for its replacement. Failure to submit and execute an acceptable Replacement Plan is a violation of this Ordinance.
- d) Withholding of Building Permits. An inspection of a property owner's septic system will be required upon application for a building permit for new construction, alterations, or remodeling of residential property that would increase the living space of the property. The inspection will result in a determination as to whether the septic system is a conforming system or whether the system is of adequate size to accommodate additional loads. If a determination is made that the septic system is non-conforming or needs to be upgraded, the property owner's building application will be withheld until such time the system is brought into conformance or the estimated cost for replacement or repair is escrowed, pursuant to the procedures specified in paragraph d (10) above.
- e) Replacement of Non-Conforming Septic Systems in Shoreland Areas. In designated Shoreland Management Areas, ISTS that are an imminent threat to public health and safety or are not an imminent threat to public health or safety, but are otherwise in noncompliance to this Ordinance shall be reconstructed pursuant to Minnesota Rules 6120 and Steele County Shoreland Zoning Ordinance.
- f) Chambered and Gravelless Distribution Systems.
1. Chambered and gravelless distribution devices are approved for use in Steele County with an equivalent sizing factor as standard rock distribution systems. Chambered systems may be allowed on substandard sized parcels where a standard system could not be installed, or where limiting soil conditions occur, with a size reduction as approved by the Steele County Board of Commissioners or Minnesota Pollution Control Agency.
- g) Artificial Drainage Standards.

1. Artificial Drainage as an alternative may be installed when suitable conditions exist to lower a seasonal water table, but not a permanent groundwater table. The following criteria must be met before artificial drainage can be used:
2. The artificial drainage tiles shall be located uphill and on adjacent sides of the drainfield with at least ten (10) feet of undisturbed soil between the sidewall of the ISTS and the drain tile.
3. Within shorelands of public waters, drain tile can only be used provided the groundwater table has a slope of at least two (2) feet per hundred toward the public water. There shall be at least twenty (20) feet on undisturbed soil between the sidewall of the ISTS and the drain tile.
4. The soil in the soil treatment area must be a medium to fine texture below the "A" soil horizon.
5. A minimum of one (1) foot of unsaturated soil conditions from the bottom of the distribution medium to saturated soil level as evidenced by soil mottling.
6. The soil treatment area shall be located on a six (6) percent slope or greater.
7. Drainage calculations approved by the Department must be used to determine the depth of the upside drainage tile.

Drainage tiles on all sides must be at least four feet below the distribution medium in the lowest drainfield trench. The upside drainage tile may be required to be deeper than determined by the drainage calculation in order to maintain the four-foot separation distance below the lowest trench. The depth of the upside tile can not be less than what was determined by the drainage calculations.

8. Plastic drainage tubing shall be used with a geotextile fabric placed around the tubing.
9. The trench shall be at least six (6) inches wider than the outside diameter of the tile.
10. An envelope of pea gravel, washed three-quarter (3/4) inch minus crushed rock, or inspected and approved clean pit-run gravel shall be placed around the tile. The same material, or clean, washed sand, shall be used to backfill the trench to within two (2) feet of the top of the trench. Drain material shall not be used downstream from the site in those parts of the drain that are not required to intercept groundwater.
11. The artificial drainage outlet tile may be connected to an existing tile drain when depth and permit it, and when approved by the Department. A factory manufactured tee or wye shall be used to make the connection. When the drain must outlet on the surface, a corrugated metal pipe or schedule 40 plastic pipe at least twelve (12) feet in length and a solid-type animal guard or outlet gate shall be used. The outlet shall be located where the water can flow away from it as fast as it is discharged and there shall be at least one-half (1/2) foot clearance between the bottom of the outlet pipe and the surface of the ground or water beneath it. One or two outlets may be used for the artificial drainage system. The water must exit onto the owner's property or onto a recorded drainage easement.
12. The grade shall be no flatter than 1-1/4 inch or 0.1 feet per 100 feet (0.1%).
13. The inside diameter of the pipe shall be no smaller than four (4) inches. Most installations would not require a size larger than four (4) inches in diameter.
14. A water table measuring piezometer shall be placed to extend to a depth of at least three feet lower than the bottom of the soil distribution medium.

The piezometer shall be capped solid pipe with an open bottom with a minimum diameter of two (2) inches.

Monitoring shall occur by measuring the water table depths in the piezometer at time of installation and at least once each week during the months of April, May, September, October and November.

Homeowner or their designated agent shall monitor and maintain monitoring records on forms approved by the Department until five consecutive years of monitoring show no presence of subsurface water in the piezometer. The monitoring data shall include monitoring dates and the depth of surface water in the piezometer if present. When data for five consecutive years indicate that the three-foot separation distance has been maintained, a copy of these records shall be submitted to the Department.

At the time of a Compliance Inspection, the Piezometer shall be monitored to determine if the artificial drainage is maintaining the three-foot separation distance between the bottom of the distribution medium and saturated soil level. In addition, the dedicated surface discharged outlet shall be sampled for fecal coliform bacteria before a Certificate of Compliance will be issued.

An existing ISTS that was installed with artificial drainage prior to xxxxxxxx, and conformed to Minnesota Chapter 7080.xxx at the time of installation to be in compliance must install a piezometer and be monitored by homeowner or designated agent as specified in subp.xxxx.

An existing ISTS installed since 1983 that has been determined through a compliance inspection not to meet the three-foot separation distance can be upgraded with artificial drainage if the existing ISTS meets the site criteria required in subp.xxxx.

h) Non-Water Carried Sewage Treatment/Disposal Methods.

1. Homes or other establishments requiring sewage treatment facilities may utilize non-water carried sewage treatment facilities. However, an adequate area to support two ISTS shall be located for future construction of an ISTS.
2. The Department will review all proposed construction and issue permits for all non-water carried sewage disposal and/or treatment methods. The wastes from these systems shall be treated and disposed of to protect the quality of surface or groundwater and not become offensive, odor producing, or serve as a source or attraction for flies, vermin, or rodents. Unsanitary conditions or nuisances caused by these devices are a violation of this Ordinance.

i) Seepage Disposal and Treatment

1. Land Spreading Location. A land spreading site shall be located such that the following minimum setback distances are maintained:

(a) private water wells	200 feet
(b) municipal well	1000 feet
(c) intermittent stream	100 feet
(d) place of habitation	200 feet
(e) residential or commercial developments and	
(f) recreational areas	1/4 mile
(g) property lines	10 feet
(h) public road right of ways	10 feet
(i) agricultural surface tile inlet	100 feet

The minimum separation distances shall be maintained unless written permission is obtained from the owners and occupants to decrease the separation distances from d,e,f, and g. Separation distances for items c,d,e,f,g and h may be reduced by one-half (1/2) if seepage is injected into the soil.

2. Separation from Surface Waters. Seepage shall not be landspread in designated Shoreland Management Areas as identified in the Steele County Shoreland Zoning Ordinance. The separation

distances from other surface waters, sinkholes, fractured bedrock outcrops, wetlands, and agricultural drainage ditches shall be observed as follows:

		Separation distances**	
<u>Slope</u>	<u>Soil Texture</u>	<u>May-Oct.</u>	<u>Nov.-April</u>
0- 6%	Coarse	200 feet	400 feet
0- 6%	Medium & Fine	300 feet	600 feet
6-12%	Coarse	600 feet	1000 feet
6-12%	Medium & Fine	300 feet	Not Allowed
Over 12%	Coarse, Medium	Landspreading	Not Fine Allowed

* Landspreading not allowed without injection so that run-off will not occur.

** All separation distances may be reduced by 50% if seepage is injected into the soil.

3. Suitable Soil Conditions.

- (a) A soil profile shall be of sufficient depth to provide an available water-holding capacity of at least six (6) inches above bedrock or the water table.
- (b) In no case shall the soil depth be less than three (3) feet above bedrock or the water table.
- (c) Where seepage is injected or incorporated into the soil, the six (6) inches of water-holding capacity, and the three (3) foot separation distance shall between the bottom of the injection or incorporation zone and the water table or bedrock.
- (d) For the purpose of 615.02h, Subd. 3a, a perched water condition, in which a zone of saturated soil exists between zones of unsaturated soil in the upper five (5) feet of the soil profile, shall not be considered a high water table.
- (e) For the purpose of 715.02h, Subd. 3a, the depth to subsurface drainage tiles shall be considered the depth to the water table for tile drainage systems that are designed according to or equivalent to Soil Conservation Service engineering standards and criteria.
- (f) If, according to available information such as Soil Conservation Service soil surveys and soil interpretation sheets, the required six (6) inches of available water holding capacity is not provided in the upper five (5) feet of soil for any given soil type, a boring shall be made to the depth in which six (6) inches of available water holding capacity would be provided. If an indication of a high water table or bedrock is found before this depth is accomplished, that soil type shall not be used for land spreading.
- (g) The soil texture by the United States Department of Agriculture soil textural classification system, at the zone of seepage application shall be one of the following: fine sand; loamy sand; sandy loam; loam, silt loam; silt; sandy clay loam; sandy clay; clay loam; silty clay loam; silty clay; or clay.
- (h) Seepage shall not be spread on soils with surface permeabilities slower than 0.2 inch/hour unless the seepage is immediately incorporated.
- (i) Surface application of seepage shall not be allowed on land with a slope greater than twelve (12) percent.

4. Site Permit Requirement

- a) Before a permit for a seepage land spreading site can be issued, soil information shall be submitted to the Department. The following information shall be submitted for each soil type present at the land spreading site:

- 1) Texture and thickness of each soil horizon to sixty (60) inches of depth;
 - 2) Permeability of each soil horizon to sixty (60) inches of depth;
 - 3) Available water-holding capacity of each soil horizon to sixty (60) inches in depth;
 - 4) Soil depth required to obtain six (6) inches of available water holding capacity;
 - 5) Depth to water table;
 - 6) Depth to bedrock;
 - 7) Slope of land surface.
- b) The application shall also include a copy of a United States Geological Service quadrangle map or aerial photo identifying the location of an distance to each of the following features, if within one-quarter (1/4) mile of the land spreading site:
- 1) Lakes and ponds;
 - 2) Rivers and streams;
 - 3) Wetlands;
 - 4) Intermittent streams;
 - 5) Ten-year floodplain, if existing information is available;
 - 6) Sinkholes and bedrock outcrops;
 - 7) Water supply wells; used or unused
 - 8) Places of habitation;
 - 9) Residential developments;
 - 10) Road right-of-ways;
 - 11) Airports within 5,000 feet; and
 - 12) Agricultural drainage ditch.
- c) The application shall include a legal description of the proposed land spreading site, including township, range, section, and quarter section.
- d) Site Management Applications shall include information on site management and include the following:
- 1) the name and address of the landowner and any renter, leasee or occupier of the land spreading site;
 - 2) a description of the proposed method or methods of seepage application;
 - 3) the name and address of the person who will apply seepage to the proposed land spreading site;
 - 4) the maximum annual application rate, in gallons of seepage per acre per year;
 - 5) a description of the crop to be grown or dominant vegetation at the site and intended use of the crop;
 - 6) a description of how public access to the site is proposed to be controlled;
 - 7) months and approximate dates when seepage will be land spread; and
 - 8) the acreage of land spreading site.

5. Land Spreading Practices and Rates.

- (a) Seepage shall not be applied on soils classified as coarse sands, gravels, or on peat or much soils which have not been adequately drained.
- (b) Seepage shall not be applied such that ponding or runoff occurs because of saturated soil conditions.
- (c) Seepage shall not be spread on a site unless the site has dried adequately from previous application or rainfall so that saturated soil conditions or ponding does not occur.
- (d) Incorporation of seepage shall be conducted as necessary to prevent nuisance conditions and excessive accumulation of seepage solids on the soil surface.
- (e) Seepage shall not be applied by spray irrigation or other methods which will cause aerosols to drift from the application site.
- (f) Seepage shall not be applied within 5,000 feet of an airport without permission from the airport and the Federal Aviation Administration.
- (g) Seepage shall be land spread in such quantity so as not to exceed the agronomic rates as follows:

Maximum Allowable Seepage Application (gallons/acre)				
<u>Crop</u>	<u>Yield/Acre</u>	<u>Surface Application</u>	<u>Injection</u>	
Alfalfa	4 ton	90,000		69,000
	6 ton	140,000		108,000
Barley	80 bushel	50,000	38,000	
Bluegrass	3 ton	90,000		69,000
Corn	75 bushel	50,000	38,000	
	100 bushel	65,000	50,000	
	125 bushel	75,000	58,000	
	150 bushel	90,000	69,000	
	175 bushel	105,000	81,000	
Oats	75 bushel	40,000		31,000
	100 bushel	65,000	50,000	
Soybeans	30 bushel	60,000		46,000
	40 bushel	90,000		69,000
	50 bushel	115,000		88,000
	60 bushel	140,000	108,000	
Wheat	50 bushel	50,000		38,000
	75 bushel	78,000		62,000

- (h) Annual seepage application amounts for non-cropped, non-harvested land with vegetative cover shall not exceed the rates as follows:

Maximum
Available

Soil Texture	Nitrogen Applied (lbs/acre)	Surface Applied (gal/acre)	Surface Injected (gal/acre)
Coarse	75	34,000	27,000
Medium	100	49,000	39,000
Fine	125	65,000	52,000

- (i) Seepage shall be spread as uniformly as possible over the area to which the seepage is applied.
 - (j) Total daily surface applications of seepage shall not exceed the following: for coarse-textured soils, one inch of liquid (27,000 gallons per acre); for medium textured soils, one-half inch of liquid (13,500 gallons per acre); and for fine textured soils, one-fourth inch of liquid (7,000 gallons per acre).
 - (k) Seepage shall not be spread on soils that are wetter than the plastic limit so as to prevent excessive soil compaction.
6. Site Management and Limitations
- (a) Seepage shall not be disposed of on or into any cave, sinkhole, or wetland.
 - (b) Seepage shall not be applied on any land without permission of the landowner.
 - (c) Seepage land spreading sites shall not be used for the growth of crops for direct human consumption, for at least three (3) calendar years after the last seepage application.
 - 1) Seepage land spreading sites shall not be used for the growth of food chain crops, for at least thirty (30) days and within seven (7) days following the cutting of hay for harvest.
 - 2) Seepage land spreading sites shall not be used for the growth of pasture crops, for at least one (1) year after the last spreading date.
7. Other Seepage Disposal Methods and Regulations
- (a) In accordance with Minnesota Rules Chapter 7035 seepage shall not be disposed of in a sanitary landfill.
 - (b) Seepage may be disposed of in a municipal sewage treatment plant only with the authorization of the plant operator. This option is preferred during the winter months (November-March) for proper disposal. The governmental entity owning such a plant may require a permit or other written authorization before disposal of seepage at their facility.
 - (c) Any vehicle and pump tanks for seepage pumping and hauling shall be equipped with signs clearly visible on the vehicle and pump tanks. The signs shall be furnished and installed by the permittee. The signs shall state the "Certificate Number" issued by the Minnesota Pollution Control Agency in letters or numbers at least one (1) inch high and the permittee's name and address in letters or numbers at least one (1) inch high.
 - (d) Tanks used for removal of seepage shall be constructed of nonporous materials and provide an access point to allow inspection and cleaning of the tank interior. The outlet shall be equipped with a durable non-leaking valve.
 - (e) Pumpers' tanks and vehicles shall be maintained free of build-up solids and operated to control offensive odors or spilling of seepage.

- (f) Due to the potential for transmission of pathogenic organisms, seepage being pumped from an ISTS more often than once each month, the sewage shall be disposed only into an approved sewage treatment facility.
- (g) Persons licensed to pump and dispose of seepage waste in Steele County shall maintain a written log and make that log available to the Department upon request. The log shall be sufficiently organized and detailed to identify the person operating the pumper, the date, property, and person receiving the service, the amount of seepage pumped and date and location of disposal. A copy of this log shall be submitted to the Department annually.
- (h) At the time septic tanks are pumped, the inlet and outlet baffles shall be inspected and replaced if not securely fastened to the septic tank.

8. Site Evaluation

- (a) The site evaluator is responsible for the placement of brightly colored flagging around the perimeter of the proposed ISTS at the time of a site evaluation.
- (b) Soil borings and percolation tests and/or soil pits shall be required for new systems or repairs to an existing ISTS. When soil pits are used, percolation tests shall be required when the soil texture, structure or consistency indicate the percolation rate may be slower than sixty (60) minutes per inch or faster than five (5) minutes per inch at the proposed depth of the ISTS.

Section 716. Severability

If any provision or application of any provision of this Ordinance is held invalid, such finding of invalidity shall not affect other provisions or applications of this Ordinance.

Section 717. Ordinance Repealed

The Steele County Health and Sanitation Ordinance dated _____, 199_ and amendments thereto is repealed in its entirety.

Section 718. Effective Date

This Ordinance shall be in full force and effective on and after _____, 199_, upon adoption and publication pursuant to law.

**ATTEST: COUNTY OF STEELE
STATE OF MINNESOTA**

**County Auditor
Steele County**

**Chairperson
Steele County Board of Commissioners**

Date

Date