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STEELE COUNTY RECORDER

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STEELE COUNTY

SUBSURFACE SEWAGE TREATMENT SYSTEM

ORDINANCE

ORDINANCE NUMBER _____

Adopted 01/28/14

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STEELE COUNTY

SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE

SECTION 1 – PURPOSE, INTENT AND AUTHORITY

1.01 PURPOSE

The purpose of this ordinance is to establish minimum requirements for and regulation of Subsurface Sewage Treatment Systems (SSTS) for the treatment and dispersal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County’s citizens by protecting its health, safety, general welfare, and natural resources.

1.02 INTENT

It is intended by the County that this Ordinance will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Steele County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County .
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The prevention and control of water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

1.03 AUTHORITY

This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082, or successor rules.

SECTION 2 - DEFINITIONS

The following words and phrases shall have the meanings ascribed to them in this Section. If not specifically defined in this Section, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

- 2.01 Authorized Representative:** An employee or agent of the County Planning and Zoning Department.
- 2.02 Board of Adjustment:** A board established by county ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, Sections 394.21 to 394.37.
- 2.03 Certificate of Compliance:** A document written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of inspection. Certificates of Compliance for new construction or a replacement system remain valid for five years and Certificates of Compliances on existing systems shall remain valid for three years unless an inspector finds evidence of noncompliance.
- 2.04 Class V Injection Well:** A shallow well used to place a variety of fluids below the land surface, including a domestic SSTS serving more than 20 people. The US Environmental Protection Agency permits these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).
- 2.05 Cluster System:** A wastewater collection and treatment system under some form of common ownership and management that provides treatment and dispersal / discharge of wastewater from two or more dwellings or buildings but less than an entire community.
- 2.06 County:** Steele County, Minnesota.
- 2.07 County Board:** The Steele County Board of Commissioners.
- 2.08 Construction Permit:** A permit issued by the department authorizing the construction, reconstruction or repair of an SSTS.
- 2.09 Department:** The Steele County Planning and Zoning Department.
- 2.10 Design Flow:** The daily volume of wastewater for which an SSTS is designed to treat and discharge.
- 2.11 Failure to Protect Groundwater:** A SSTS that does not protect groundwater such as a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in Minn. Rules Chapter 7080.1500 Subp. 4D and 4E; or a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or a licensed individual or business.

- 2.12 Imminent Threat to Public Health and Safety:** A system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers. A determination of protectiveness for other conditions must be made by a qualified employee or a licensed inspection business.
- 2.13 ISTS:** An individual sewage treatment system as defined in Minn. Rules 7080.1100, Subp. 41.
- 2.14 Management Plan:** A plan that requires the periodic examination, adjustment, testing or other operation requirements to meet system performance expectations, including a planned course of action in event a system does not meet performance expectations.
- 2.15 Minor Repair:** The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.
- 2.16 MPCA:** Minnesota Pollution Control Agency.
- 2.17 MSTs:** A “mid-sized subsurface sewage treatment system” as defined in Minn. Rules 7081.0020 Subp. 4.
- 2.18 Notice of Noncompliance:** A written document written and signed by a certified inspector after a compliance inspection that gives notice that an SSTS is not in compliance as specified under Minn. Rules 7080.1500.
- 2.19 Qualified Employee:** A State or a local government employee or their designee who designs, installs, maintains, pumps, inspects or verify soils of an SSTS as part of the individual’s employment duties.
- 2.20 Sewage:** Waste from toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, including household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes.
- 2.21 SSTS:** Subsurface sewage treatment system is either an individual subsurface treatment system or a mid-sized subsurface sewage treatment system.
- 2.22 State:** The State of Minnesota.
- 2.23 Transfer of Property:** 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.
- 2.24 Treatment Level:** Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products.

SECTION 3 - GENERAL PROVISIONS

3.01 SCOPE

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

3.02 JURISDICTION

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas or townships that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their jurisdiction, which is at least as strict as this Ordinance and has been approved by the County.

3.03 LIABILITY

Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

SECTION 4 - ADMINISTRATION

4.01 COUNTY ADMINISTRATION

The Steele County Planning and Zoning Department shall administer the SSTS program and all provisions of this Ordinance.

4.02 STATE OF MINNESOTA

Where a single SSTS or group of SSTS under single ownership within one-half mile of each other, have a design flow of 10,000 gallons per day or greater, the owner or owners shall make application for and obtain a State Disposal System permit from MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Ordinance.

4.03 CITIES AND TOWNSHIPS

Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance.

SECTION 5 - GENERAL REQUIREMENTS

5.01 RETROACTIVITY

A. Existing Permits.

Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration date

B. SSTS on Lots Created After January 23, 1996.

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minn. Rules, Chapters 7080.2200 through 7080.2230 and 7080.2260; or site conditions described in 7081.0270, Subp. 3 through 7.

5.02 FAILURE TO PROTECT GROUNDWATER.

An SSTS that is determined not to be protective of groundwater in accordance with Minn. Rules, Chapter 7080.1500, Subp.4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 12 months of receipt of a Notice of Noncompliance. Special consideration may be given by the Department when a notice of noncompliance is received due to a compliance inspection performed in anticipation of a property transfer or building permit that has not yet occurred.

5.03 IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY.

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance.

5.04 ABANDONMENT.

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

5.05 SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

5.06 CLASS V INJECTION WELLS

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfers.

5.07 SSTS PRACTITIONER LICENSING

All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS must be completed by a licensed business, a certified qualified employee, or a person exempted under Minn. Rules 7083.0700.

5.08 PROHIBITIONS

A. Use of a Building without Compliant Sewage Treatment

It is unlawful for any person to use any building intended for habitation that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.

B. Sewage Discharge to Ground Surface or Surface Water.

It is unlawful for any person to construct, maintain, or use any SSTS system that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

C. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minn. Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

D. Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

SECTION 6 - SSTS STANDARDS

6.01 STANDARDS ADOPTED BY REFERENCE

The County hereby adopts by reference Minn. Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

6.02 ADDITIONAL LOCAL STANDARDS

A. Transfer of Property:

No owner or other person acting with legal authority on behalf of an owner of real property required to have an SSTS shall sell or transfer to another party said real property unless a compliance inspection has been completed and a valid Certificate of Compliance has been issued showing the SSTS is in compliance with the provisions of this ordinance.

1. If the responsibility for filing the completed compliance inspection or for upgrading a system found to be non-compliant is assumed by the buyer from the seller, a written agreement signed by both parties shall be provided to the Department.
2. A Certificate of Compliance is not required if the sale or transfer involves the following circumstances:
 - (a) The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
 - (b) The transfer is between a married person and his/her spouse.
 - (c) The transfer occurs during a foreclosure or tax forfeiture process.
 - (d) All sewage generated on the property is collected and treated in a municipal wastewater treatment system or an approved wastewater treatment facility other than an individual sewage treatment system.

B. Building Permit in a Shoreland Management Area:

No building permit for new construction, alterations, or remodeling of any building served by an SSTS located in a Shoreland Management area shall be issued unless a compliance inspection has been completed showing the SSTS is in compliance with the provisions of this ordinance.

C. Increase in Living Space:

No building permit for new construction, alterations, or remodeling of any building served by an SSTS that would increase the living space of the building shall be issued unless a compliance inspection has been completed showing the SSTS is in compliance with the provisions of this ordinance or a construction permit has been issued that would bring the system into compliance with the provision of this ordinance.

D. Change in Building Use:

No building permit for expansion, alterations, or remodeling of any building served by an SSTS that would change the use of the building, increase the water usage, or impact the performance of the SSTS shall be issued unless a compliance inspection has been completed showing the SSTS is in compliance with the provisions of this ordinance or a construction permit has been issued that would bring the system into compliance with the provision of this ordinance.

E. Request to Rezone a Property:

No request to rezone property served by an SSTS shall be granted unless a compliance inspection has been completed showing the SSTS is in compliance with the provisions of this ordinance or a construction permit has been issued that would bring the system into compliance with the provision of this ordinance.

F. Sizing Assessments:

Compliance inspections required by Section 6.02 C thru 6.02 E shall also include an assessment determining if the system is sized adequately to meet the expected waste water flows.

G. Winter Agreements:

If a compliance inspection required by Section 6.02A – 6.02E occurs during times when compliance cannot be determined due to frozen soil or other unfavorable soil conditions, it shall require a winter agreement, which includes the submittal of a preliminary design for an SSTS construction permit based upon the best available information and an agreement to have a compliance inspection completed by a licensed inspection business by the following June 1st. If upon inspection the system is found to be non-compliant a final design shall be prepared, a construction permit obtained and the system shall be brought into compliance by September 30th of that year.

H. Holding Tanks:

1. Holding tanks may be allowed for the following applications:

- (a) As replacements for existing failing SSTS, or SSTS that pose an imminent threat to public health or safety only where it can be shown conclusively that a Type I or Type III system cannot be feasibly installed.
- (b) For situations where it is shown that because of limited or intermittent water use on the property, a holding tank may be the preferred system. Economics alone shall not be the only criteria used when determining the preferred system.

2. Holding tanks may only be used under the following conditions:

- (a) The holding tank shall be designed and installed in accordance with Minnesota Rules Section 7080.2290.
- (b) The owner shall install a water meter or other approved device to record water use.
- (c) The owner shall apply for and maintain a valid operating permit.
- (d) The owner shall maintain a valid contract with a licensed liquid waste hauler to pump and haul the effluent. A copy of a valid contract must be submitted to the department.

- (e) This contract requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, Section 115.56, subdivision 2(b)(3).
- (f) The pumper and owner shall maintain records certifying the date the tank is pumped, the volume of the liquid waste removed, the method of waste disposal and the water meter reading at the time of pumping. These records shall be made available to the department at its request.

I. Determination of Hydraulic Loading Rate and SSTS Sizing:

Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3E entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.

SECTION 7 - SSTS PERMITTING

7.01 PERMIT REQUIRED

It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without the appropriate permit from the Steele County Planning and Zoning Department. The issuing of any permit, variance, or conditional use under the provisions of this or other ordinances shall not absolve the applicant of responsibility to obtain any other required permit.

7.02 CONSTRUCTION PERMIT

A construction permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioner(s).

A. Activities Requiring a Construction Permit.

A construction permit is required for installation of a new SSTS, for replacement of major portions of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

B. Activities Not Requiring a Permit.

A construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the

treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

C. Construction Permit Required to Obtain Building Permit.

For any property on which a SSTS Construction Permit is required, approval and issuance of a valid SSTS Construction Permit must be obtained before a building or land use permit may be issued by the Department.

D. Conformance to Prevailing Requirements.

Any activity involving an existing system that requires a Construction Permit shall require that the entire system be brought into compliance with this Ordinance.

E. Construction Permit Application Requirements

Construction Permit applications shall be made on forms provided by the Department. Applicants shall provide all information as required for the administration of this ordinance including a certification from person who conducted or oversaw the work.

F. Amending an Approved Application

In the event the applicant makes a significant change to an approved application, the applicant must file an amended application detailing the changed conditions. The Department must approve the amended plan prior to the initiation or continuation of construction.

G. Permit Expiration

The Construction Permit is valid for a period one year from its date of issue. Satisfactory completion of construction shall be documented by issuance of a certificate of compliance by the department.

H. Extensions and Renewals

At the request of the owner, the Department may grant an extension of the Construction Permit. This extension may be for a period of no more than (6) months.

I. Suspension or Revocation

The Department may suspend or revoke a Construction Permit issued under this section for any false statements, misrepresentations of facts on which the Construction Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Construction Permit is obtained.

7.03 MANAGEMENT PLANS

A. Purpose

The purpose of a management plan is to describe how a particular SSTS is intended to be operated and maintained to sustain the required performance. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

B. SSTS Requiring Management Plans

Management plans are required to be submitted to the Department with all construction permit applications for review. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

C. Required Contents of a Management Plan

Management plans shall include all items listed in MN Rules 7082.0600 Subp. 1 including:

1. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
2. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
3. Monitoring requirements;
4. Statement that the owner is required to notify the Department when the management plan requirements are not being met;
5. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence;
6. Other requirements as determined by the Department;

D. Requirements for Systems not operated under a Management Plan

SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected a minimum of once every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

7.04 OPERATING PERMIT

A. SSTS Requiring an Operating Permit

An Operating Permit shall be required of all owners of new holding tanks, MSTs, Type IV and Type V systems or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a holding tank or MSTs until a Certificate of Compliance is issued by the Department and a valid Operating Permit is issued to the owner.

B. Operating Permit Application Requirements

Operating Permit applications shall be made on forms provided by the Department. Applicants shall provide all information as required for the administration of this ordinance. Owners of holding tanks must also submit a copy of a valid monitoring and disposal contract with a licensed maintenance business.

C. Permit Expiration and Renewal

1. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
2. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 60 calendar days of the expiration date, the County may require that the system be abandoned.
3. An application for permit renewal shall be made on a form provided by the Department:

D. Permit not Transferable.

The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with Section 7.04B of this Ordinance. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

E. Operating Permit Compliance Monitoring Requirements.

1. Performance monitoring of a SSTS shall be performed by the owner, a licensed service provider, or a maintainer hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
2. A monitoring report shall be prepared and certified by the licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit.

F. Suspension or Revocation.

1. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
2. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
3. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
4. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

SECTION 8 - COMPLIANCE INSPECTIONS

8.01 GENERAL REQUIREMENTS

- A. Compliance Inspections are required to assure that the requirements of this ordinance are met. SSTS compliance inspections must be performed:
1. To ensure compliance with applicable requirements.
 2. For all new SSTS construction or for the replacement of major components of an existing SSTS.
 3. To ensure system compliance of a system as required by Section 8.03 Subp. A of this ordinance.
 4. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by MPCA.
- B. All compliance inspections must be performed and signed by a licensed inspection business qualified to do the inspection or qualified employees certified as inspectors.
- C. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.

- D. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- E. The issuance of permits, the inspection of a system, or the issuance of certificates of compliance, shall not be construed to represent a guarantee or warranty of the system's operation or effectiveness.

8.02 INSPECTIONS ON NEW CONSTRUCTION OR COMPONENT REPLACEMENT

- A. Compliance inspections must be performed by a qualified employee or a licensed inspector authorized by the county on all new SSTS or replacement of major SSTS components to determine compliance with Minnesota Rules, Chapters 7080 or 7081.
- B. It is the responsibility of the SSTS owner or the owner's agent to notify the Department a minimum of one workday preceding the day the inspection is desired. Inspections will not be made on holidays or weekends.
- C. No part of the system shall be covered until it has been inspected and accepted by the Inspector unless prior arrangements have been made.
- D. A Certificate of Compliance for new SSTS construction or major component replacement shall be issued by the Department if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
- E. Certificates of Compliance for new construction or major component replacement of a system shall remain valid for five years from the date of issue unless the Department finds evidence of noncompliance.

8.03 COMPLIANCE INSPECTIONS ON EXISTING SYSTEMS

- A. A compliance inspections and a valid Certificate of Compliance shall be required on existing SSTS when any of the following conditions occur:
 - 1. When a construction permit is required to repair, modify, or upgrade an existing system.
 - 2. Prior to the sale or transfer of real property unless:
 - (a) The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures or;
 - (b) The transfer is between a married person and his/her spouse or;

- (c) The transfer occurs during a foreclosure or tax forfeiture process or;
 - (d) All sewage generated on the property is collected and treated in a municipal wastewater treatment system or an approved wastewater treatment facility other than an individual sewage treatment system.
 - 3. Any time a building permit is applied for in a Shoreland Management Area.
 - 4. A building permit is issued that increases the living space of the building being served by an existing SSTS.
 - 5. Whenever there is a change of the use of the building being served by and existing SSTS which may impact the performance of the system.
 - 6. Whenever there is a request to rezone property served by an existing SSTS.
 - 7. During systematic shoreland or area-wide SSTS surveys authorized by the County.
 - 8. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
- B. Compliance inspections of existing SSTS shall be performed by a licensed inspection business or a qualified employee and shall be reported on the inspection report forms provided by MPCA. An inspection for existing SSTS must verify the following conditions:
- 1. Sewage tanks must be assessed for leakage below the operating depth. A tank integrity and safety compliance assessment must be completed.
 - 2. A soil separation compliance assessment must be completed either by conducting new soil borings or by prior verifications by two independent parties. Soil borings used for system design or a soil boring from a previous inspection qualifies as an independent verification. The vertical separation must meet the following standards:
 - (a) An SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.
 - (b) An SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall

have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. If new borings are completed to verify the separation distance, a minimum of two borings shall be completed on site.

- (c) If a documented discrepancy arises on the depth of the periodically saturated soil depth between licensed business for SSTS design or compliance purposes, all disputing parties must follow the dispute resolution procedure described in Minn. Rules 7082.0700, Subp. 5.
3. Sewage backup, surface seepage, or surface discharge from the system must be determined. A hydraulic function report must be completed that includes the method(s) use to make the assessment.
- C. A compliance inspection required by Section 8.03 Subp. A3 thru A6 shall also include an assessment determining if the system is sized adequately to meet the expected waste water flows.
 - D. A Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
 - E. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department and the owner or owner's agent no later than 15 calendar days after the date the inspection was performed.
 - F. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.
 - G. The Department may waive a compliance inspection required by Section 8.03 if:
 - 1. The owner of the real property served by an existing SSTS acknowledges in writing to the department that the existing SSTS fails to protect groundwater and shall be upgraded, repaired, replace or abandoned in accordance the this ordinance within 12 months.

2. The owner of the real property served by an existing SSTS acknowledges in writing to the department that the existing SSTS is an imminent health threat to public health or safety and shall be upgraded, repaired, replace or abandoned in accordance the this ordinance within 10 months.

SECTION 9 - VARIANCES

9.01 VARIANCE REQUESTS

A property owner may request a variance from the standards as specified in this ordinance pursuant to county policies and procedures as listed in Section 505 of the Steele County Zoning Ordinance.

9.02 AGENCY VARIANCES

Variations that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

SECTION 10 – VIOLATIONS AND ENFORCEMENT

10.01 VIOLATIONS

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

A. Notice of Violation

The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

1. A statement documenting the findings of fact determined through observations, inspections, or investigations.
2. A list of specific violation(s) of this Ordinance.
3. Requirements for correction or removal of the specified violation(s).
4. A mandatory time schedule for correction, removal and compliance with this ordinance.

B. Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

10.02 PROSECUTION

In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this ordinance.

10.03 STATE NOTIFICATION OF VIOLATION

In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

10.04 COSTS AND REIMBURSEMENTS

If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees. At the discretion of the County Board, the cost of an enforcement action under this ordinance may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

SECTION 11 - FEES

The County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

SECTION 12 - INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

SECTION 13 - SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

SECTION 14 - ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

SECTION 15 - ORDINANCE REPEALED

Steele County Sewage and Wastewater Ordinance #21 adopted March 31, 1993 and all its amendments thereto is repealed in its entirety.

SECTION 16 - ADOPTION

The Steele County Subsurface Sewage Treatment System Ordinance is hereby adopted by the Steele County Board of Commissioners on the 28th day of January, 2014.

STEELE COUNTY BOARD OF COMMISSIONERS

BY: *Rouy Johnson*
Chair

ATTEST:

Laura Storke
Steele County Auditor

CERTIFICATION:

I hereby certify that the above is a true and correct copy of a Resolution duly passed, adopted, and approved by the County Board of said County on the 28th day of January, 2014.

Laura Storke
Steele County Auditor

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