



Public Works / Environmental Services
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**NOTICE OF INTENTION TO MAKE CHANGES / AMENDMENTS TO THE MOWER COUNTY
SUBSURFACE SEWAGE TREATMENT (SSTS) ORDINANCE**

Notice is hereby given that the Mower County Planning Commission will assemble on Tuesday, 2/25/2020 at 7:00 p.m. in the County Commissioner's Room, located in the lower level of the Mower County Government Center, (201 1st Street NE, Austin MN 55912), to discuss the following update and changes to the Mower County Ordinance. Access into the building is through the Law Enforcement Center (LEC) doors.

A copy of the proposed changes are available for review in the Mower County Auditor's Office, on the County's website or an electronic copy can be provided by the Mower County Environmental Services Office by email – contact: valj@co.mower.mn.us
Hard copies are available upon advance request – cost is \$11.50
Changes are highlighted in yellow, additions are underlined, deletions line-struck.

Mower County encourages public participation by either attending the public hearing to hear or provide comment(s), or by submitting written comments to Public Works Department at 1105 8th Avenue NE, Austin MN 55912 or you may email written comments to valj@co.mower.mn.us
Written comments received on or before 4:00 p.m. 2/25/2020 will be copied and provided to the Planning Commission for their review and consideration at the public hearing. All comments of the public hearing or written comments will be summarized and provided to the County Board before consideration of adoption of the ordinance.

Notice is hereby further given that the Mower County Board of Commissioners may hear the aforementioned Amendment Change(s) on Tuesday, March 3, 2020 at approximately 1:15 pm in the County Commissioner's Room, if the Amendment Change is forwarded by the Planning Commission.

MAJOR ORDINANCE CHANGES/AMENDMENTS INCLUDE:

- **County's Education and outreach initiative relating to SSTS:** importance of compliant systems, how SSTS systems work, what makes SSTS non-compliant, how non-compliant SSTS affect ground and surface water, homeowner care and maintenance of SSTS
- **Language amendments/modifications:**
 - Subdivision 1: General Provisions:** Purpose, Standards adopted by reference, Liability, Retroactivity, Upgrade, Public Education Outreach, Record Keeping, Annual Reporting, Fees, Interpretation
 - Section 1.160 Definition Additions /Modifications:** As-built or As-built drawings, Authorized Representative, Drainage Methods, Failing System, Failure to Protect

Groundwater, Imminent Threat to Public Health & Safety, Management Plan, Notice of Noncompliance, Operating Permit, Open air (feedlot) Lagoon, Public Health Nuisance, Sewage, Shoreland, Treatment Level, Wellhead Protection Area

Change, Section 1.170 Prohibitions #7: Prohibiting Co-mixing of animal manure and sewage. Reason: When co-mixed land application must comply with Federal 503 adherence for sewage sludge. Refer to MPCA guidance document wq-f1-06

Subdivision 3: Permitting: SSTS Permits Required, SSTS Permit application requirements, compliance review for zoning, variance and conditional use permit applications as listed in Section 4.2, soil observations after Nov 1st, requirements for lots/parcels created after 1996, seeding/mulching, operating permits.

- **Change Section 3.40, SSTS Permit application, #5: Residential Tank sizing for new/replacement SSTS:** minimum size to include sizing for garbage disposal, sewage ejector pump or grinder pump (dishwasher). This results in a capacity increase of 50% of the minimum gallon capacity found in MN Rule 7080.1930 Subpart 1, Table V. (I.E.1000 gal. tank + 50% increase = 1500 gal) applies to single and multiple family dwellings.
- **Change Section 3.100: Operating Permits:** certain types of SSTS are required to operate under an “operating permit”. These are TYPE IV, V and MSTs. This was previously required by reference to MN Rule but is now incorporated into this ordinance. Mower County previously had operating requirements for holding tanks.
- **Change Section 4.10: Inspection Requirements:**
 - Education-County responsibility;
 - **Additions include (Section 4.20):**
 - When compliance inspections are required: (Section reworked into a table format – prior ordinance requirements remain unchanged). Those added are:
 - Non-shoreland areas will be subject to compliance inspection when SSTS is 20 years old or greater for any improvement to property which requires zoning permit, CUP or variance; which does not have a current COC (Certificate of Compliance) on file. Shoreland Overlay areas have higher standards as defined in MN Rules 6120 and this ordinance; the shoreland overlay standards remain unchanged.
 - Other Establishments are listed in MN Rules 7081.0130, Table 1; but generally, means other than residential. This includes, but is not limited to commercial, industrial, recreational, eating, drinking and entertainment establishments, places of assembly
 - COC required on file once every 5-year period upon adoption of this ordinance and prior to issuance of a zoning permit, conditional use permit or variance.
 - Procedures for establishing an escrow account when frozen soils do not allow for a compliance inspection, but allowing the zoning permit to be reviewed and granted; allowing construction to proceed.

Subdivision 4:

Change Section 4.40 Compliance Inspection requirements for Transfer of Property:

- A Certificate of Compliance required before recording transfer of property;
- Transfers exempt from compliance inspection – changes reflected in items i-f
- Escrow accounts – when required, amounts required, who/where held, when/how released
 - When property transfers without inspection – Escrow required: 125% of a written estimate; or 150% average mound cost (as determined annually by county) without written estimate.
 - Proof of escrow required.
- **Change Section 4.60. 2. h: Inspection Protocol:** Seeding and mulching must be completed on a new or replacement SSTS before COC will be issued by County.
- **Change Section 4.70 Notice of Noncompliance:** Prescribed timelines to correct:
 - Failure to protect groundwater increases from 12 months to 18 months
 - Imminent Public Health Threats (IPHTs): 2 categories:
 - 1) under MN Statute 145A: 10 days to cease discharge plus 10 months to replace/abandon (*unchanged*);
 - 2) other IPHT: 10 months (*unchanged*)
 - No compliance inspection completed, but known to be failing: 10 months; previously 12 months.
 - Relating to parcels within municipalities: must connect to municipal services unless formal letter from City to Department otherwise.
- **Change 8.70 Notices for Violations:** Issuance of Citations added as method of enforcement:

MINOR ORDINANCE CHANGES/AMENDMENTS INCLUDE:

- Language modifications - Refer *Section 4.50 to reflect major changes 4.40*
 - Contract for deed clarifications and the prior ordinance requirements (differences between ordinances dated 2004, 2014) – Refer 4.40, 2, c.
- Inspection Protocol – Refer *Section 4.60*
- Holding Tanks – Refer *Section 5.60*
- SSTS Type IV amendment (*adopted 12/7/2017*) incorporated into SSTS ordinance
- Department willing to accept pumping records and keep on file
- Minor Housekeeping: verbiage which may provide clarity, MN Rule citations or correct misspellings
- Ordinance Repeal, adoption and Effective date (to be determined by Co. Board)

BY ORDER OF THE
MOWER COUNTY PLANNING COMMISSION

Angela M. Lipelt, Environmental Services Supervisor