

MOWER COUNTY SEWAGE AND WASTEWATER TREATMENT ORDINANCE

The Board of Commissioners of Mower County, Minnesota, does hereby ordain and adopt this ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:

1. Minimum standards for the regulation of individual sewage treatment systems (ISTS) and mid-sized subsurface sewage treatment systems (MSTS) (collectively known as SSTS) in unsewered incorporated and unincorporated areas of Mower County incorporating by reference minimum standards established by Minnesota Statutes and Administrative Rules of the Minnesota Pollution Control Agency.
2. Requirements for issuing permits for installation, alteration, repair, expansion or abandonment of SSTS.
3. Requirements for all SSTS permitted under the revised Minnesota Rules Chapters 7080 and 7081 to be operated under an approved management plan.
4. Standards for upgrade, repair, replacement or abandonment of SSTS.
5. Standards for proper septage disposal.
6. Provisions for enforcement of these requirements.
7. Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Zoning, Shoreland and Floodplain Ordinances.

SUBDIVISION 1: GENERAL PROVISIONS

1.10 Purpose

The purpose of this Ordinance shall be to provide minimum standards for and regulation of Subsurface Sewage Treatment Systems (SSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance, repair and proper disposal to protect surface water and groundwater from contamination by human sewage and water-borne disease, 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 Minnesota Statutes Chapters 115 and 145A.01 through 145A.08 and Minnesota Rules 7080-7083, as amended, that may pertain to sewage and wastewater treatment.

1.20 Objectives

The principal objectives of this Ordinance include the following:

1. The protection of Mower County's wetlands, rivers and streams and 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.

2. To establish minimum standards for SSTS placement, design, construction, re-construction, repair and maintenance and proper septage disposal to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
3. Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper SSTS construction, repair, and maintenance is essential to prevent the entry and migration of sewage contaminants, thereby ensuring the non-degradation of surface water and groundwater.
4. The prevention and control of water-borne diseases, surface water degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, SSTS surveys and complaint investigation, as well as through technical assistance and education.
5. To establish minimum standards for septage removal, transport, treatment and disposal.

1.30 Scope

This Ordinance shall regulate the design, construction and repair of SSTS in Mower County, including but not necessarily limited to, individual onsite and cluster or community SSTS, privies and other non-water carried SSTS, and the repair and/or replacement of failing SSTS, and the disposal of septage. This ordinance does not supersede nor replace those rules and regulations affecting sewage and wastewater treatment set forth by the State of Minnesota or the United States Government. All sewage generated in Mower County must be treated either in an MPCA permitted facility or a system that meets the requirements of this ordinance.

1.40 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.

1.50 Jurisdiction

The jurisdiction of this Ordinance shall include all lands of Mower County except for incorporated or unincorporated areas 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 Mower County.

1.60 Standards Adopted by Reference

This Ordinance hereby adopts by reference MN Rules 7080-7083, and as may be amended. These rules, known as the “Subsurface Sewage Treatment System (SSTS) Standards,” shall embody the minimum standards for the design, location, installation, use, monitoring and maintenance of SSTS and proper septage disposal in Mower County.

1.70 Severability

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

1.80 Definitions

The following words and phrases shall have the meanings ascribed to them in this Article. If not specifically defined in this Article, 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.

ABSORPTION AREA: Absorption area means the design parameter that is associated with the hydraulic acceptance of effluent. The absorption area for mound systems is the original soil below a mound system that is designed to absorb sewage tank effluent. The absorption area for trenches, seepage beds, and at-grade systems is the soil area in contact with the part of the distribution medium that is designed and loaded to allow absorption of sewage tank effluent. This includes both bottom and sidewall soil contact areas.

AS-BUILT DRAWINGS: As-Built Drawings are synonymous with record-drawings.

BEDROOM: Any room used principally for sleeping purposes. An all-purpose room, a study, an office, den, sewing room, exercise room, or undesignated room will be considered a bedroom if, it has a door and an egress window and is larger than 70 square feet and can reasonably be used now or in the future as a bedroom. *Please reference MPCA Bedroom Definition for Determining Subsurface Sewage Treatment System Size (wq-wwwists4-02, or as amended).*

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 and 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, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

CERTIFICATE OF COMPLIANCE: Certificate of Compliance means a document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

CLASS V INJECTION WELL: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit 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).

CLUSTER SYSTEM: A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

COMPLIANCE INSPECTION: Compliance inspection means an evaluation, investigation, inspection, or other such process for the purpose of issuing a Certificate of Compliance or notice of noncompliance.

CORRECTIVE ACTION: Any action required by the Department to ensure compliance to applicable requirements with this Ordinance and State Regulations.

COUNTY: Mower County, Minnesota.

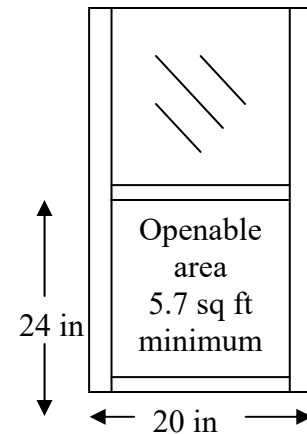
COUNTY BOARD: The Mower County Board of Commissioners.

DEPARTMENT: The Mower County Environmental Services Department.

DESIGN FLOW: The daily volume of wastewater for which an SSTS is designed to treat and discharge.

EGRESS WINDOW: An egress window is an emergency escape and rescue opening having a minimum net clear opening of no less than 5.7 square feet; with a minimum net clear opening width of no less than 20 inches and a minimum net clear height of no less than 24 inches. Exception: Grade floor openings shall have a minimum net clear opening of no less than 5 square feet. See drawing at right.

FAILING SYSTEM: Any SSTS that discharges sewage to a seepage pit, cesspool, drywell, or leaching pit, other pit, or any SSTS with less than the required vertical separation of soil or sand between the bottom of the distribution media and the saturated soil level or bedrock. In addition, any system posing an imminent threat to public health or safety, which includes the ground surface or surface water discharges and sewage backup into a dwelling or other establishment, shall be considered failing.



FAILURE TO PROTECT GROUNDWATER: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MN Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500.

HOLDING TANK: A tank for storage of sewage until it can be transported to a point of approved treatment and/or disposal. Holding tanks are considered a septic system tank under MN Statutes, section 115.55.

IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY (ITPH): At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers.

INDIVIDUAL SUBSURFACE SEWAGE TREATMENT SYSTEM (ISTS): An individual subsurface sewage treatment system or "ISTS" means a subsurface sewage treatment system or part thereof, as set forth in Minnesota Statutes, sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less. ISTS also includes all holding tanks that are designed to receive a design flow of 10,000 gallons per day or less; sewage collection systems and associated tanks that discharge into ISTS treatment and dispersal components; and privies. ISTS does not include those components defined as plumbing under chapter 4715.

INCORPORATION: The mixing of septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, or injection.

INDUSTRIAL WASTE: Sewage containing waste from activities other than sanitary waste from industrial **activities** including, but not limited to, the following uses defined under the Standard Industrial Classification (SIC) Codes established by the U.S. Office of Management and Budget.

| SIC CODE(S) | INDUSTRIAL CATEGORY |
|-------------|--|
| 753-7549 | Automotive Repairs and Services |
| 7231, 7241 | Beauty Shops and Barber Shops |
| 7211-7219 | Laundry Cleaning and Garment Services |
| 4011-4581 | Transportation (Maintenance only) |
| 8062-8069 | Hospitals |
| 2000-3999 | Manufacturing |
| 2000-2099 | Food Products |
| 2100-2199 | Tobacco Products |
| 2400-2499 | Lumber and Wood Products, except Furniture |
| 2500-2599 | Furniture and Fixtures |
| 2600-2699 | Paper and Allied Products |
| 2700-2799 | Printing, Publishing and Allied Industries |
| 2800-2899 | Chemicals and Allied Products |
| 2900-2999 | Petroleum Refining and Related Industries |
| 3000-3099 | Rubber and Miscellaneous Plastics |
| 3100-3199 | Leather Tanning and Finishing |
| 3200-3299 | Stone, Clay, Glass and Concrete Products |
| 3300-3399 | Primary Metal Industries |
| 3400-3499 | Fabricated metal Products (except Machinery, and Transportation Equipment) |
| 3500-3599 | Industrial and Commercial Machinery and Computer Equipment |
| 3700-3799 | Transportation Equipment |
| 3800-3899 | Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks |
| 3900-3999 | Miscellaneous Manufacturing Industries |

INSPECTOR: An individual qualified to review proposed plans and inspects SSTs and who meets the licensure and registration requirements of the MPCA. Also the person or persons registered by the MPCA with specialty area endorsements applicable to the work being conducted and assigned the responsibility for the administration of this Ordinance by the Director of this Department.

LAND APPLICATION: The spreading or placement of domestic septage on or into the soil surface.

LAND USE DEVELOPMENT (ZONING) APPLICATION: The term includes, but is not limited to applications for the following: construction permits, SSTs permits, vegetative alteration permits,

topographic alteration permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variances from the provisions of this ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department unless all fees are paid, preliminary reviews and approvals completed, submitted and association supporting information and documents, and such other information as required by the Department.

MALFUNCTION: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

MINOR REPAIR: The repair or replacement of an existing damaged or faulty component/part of a 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.

MOTTLING: As applied to soils, means a zone of chemical and reduction activity, appearing as splotchy patches of red, brown or grey in the soil. Mottle means the minority of the variegated colors in a soil horizon, as described in the “Field Book for Describing and Sampling Soils.”

MPCA: “MPCA” is an acronym for The Minnesota Pollution Control Agency.

MSTS: MSTS is an acronym for a “midsized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

NON-SHORELAND: Land not defined as Shoreland by the Mower County Zoning Ordinance.

OWNER OF LAND OR LAND OWNER: Any person having possession of, control over, or title to property.

QUALIFIED EMPLOYEE: An employee or qualified agent of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual’s employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

PERSON: 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.

PRIVY (OUTHUSE): Means an aboveground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing and graywater. A privy also means a non-dwelling structure containing a toilet waste treatment device.

RECORD DRAWINGS: A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system. Also referred to or known as “as-built” drawings.

RECORD OF ABANDONMENT: A Record of Abandonment is information about how the SSTS was properly abandoned.

RECREATIONAL AREA: Any public park, campground, playground, athletic field, picnic ground, swimming beach, fairground, any commercial campground, resort, riding stable, or golf course or similar use of land or water for public recreational purposes.

ROAD RIGHT-OF-WAY: Any Federal, State, County, municipal or township highway or road including shoulder and drainage ditch alongside the road.

SATURATED SOIL: (or seasonal high water table) The highest elevation in the soil where all voids are filled with water, as evidenced by the presence of soil mottling or other information.

SEPTAGE: Solids and liquids removed from an SSTS and include solids and liquids from cesspools seepage pits, other pits or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets.

SEPTAGE STORAGE: Septage storage for purposes of this ordinance shall be the temporary storage of domestic “septage” defined as whether liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works, in underground tanks(s) holding less than 50,000 gallons and shall also be equally subject to all of the requirements within this ordinance that apply to a SSTS.

SEWAGE: Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS: “SSTS” is an acronym for Subsurface Sewage Treatment System.

STATE: The State of Minnesota.

SWF: SWF means SSTS in Shoreland Areas or Wellhead Protection areas or Systems Serving Food, Beverage or Lodging

SYSTEM ABANDONMENT: A procedural process outlined in MN Rule 7080.2500

TOILET WASTE TREATMENT DEVICES: Privies and other devices including incinerating, composting, biological, chemical, recalcitrating, portable or holding toilets.

TRANSFER OF PROPERTY: 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, contract for deed, or otherwise.

TYPE I SYSTEM: An ISTS that follows a standard trench, bed, at-grade, mound, or gray water system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

TYPE II SYSTEM: An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

TYPE III SYSTEM: An ISTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

TYPE IV SYSTEM: An ISTS having an approved pretreatment device and incorporating pressure distribution and dosing.

TYPE V SYSTEM: An ISTS designed by a Professional Engineer that does not meet the prescriptive designs for Types I-IV. Type V systems must meet the public health and safety standards of 7080.1500.

WETLANDS: Lands that: (1) have mostly hydric soils, soils that developed in wet conditions; (2) are wet either above the ground or wet within twelve (12) inches of the ground surface during all or part of the growing season; and (3) have adapted to wet soil conditions; or such lands as defined as “wetlands” in the Circular 39 system and/or the Cowardin classification method (developed by the US Fish and Wildlife Service (USFWS) in 1956 and 1979, respectively).

1.90 Prohibitions

1. It is unlawful for any person to construct, maintain, occupy or use any building intended for habitation to dispose of wastewater in a manner that does not comply with this Ordinance.
2. It is unlawful for any person to construct, maintain or use any SSTS system regulated under this ordinance 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 (NPDES) program by the MPCA.
3. It is unlawful to discharge raw or untreated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.
4. 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.
5. It shall be unlawful to locate an SSTS within a 10-year floodplain or floodway.
6. **Terralift or similar system remediation.** MN Rules 7080.2450, Subp 8 prohibits any maintenance activity which is used to increase the acceptance of effluent to a soil treatment and dispersal system must:
 - a. Not be used on a system failing to protect groundwater as defined in part 7080.1500, subp4, item B, unless the activities meet the requirements of parts 7080.2350 and 7080.2400;
 - b. Not cause preferential flow from the soil treatment and dispersal system bottom to the periodically saturated soil or bedrock, and
 - c. Be conducted by an appropriately certified or qualified employee or any appropriately licensed business as specified in part 7083.0790. Any substance added with the intent to increase filtration rate of the soil treatment and dispersal system must not contain hazardous substance.

7. CO-MIXING DOMESTIC OR SANITARY WASTE WITH ANIMAL WASTE

Co-mixing of animal and human waste in Mower County shall be prohibited except as prescribed below:

Co-mixing may be considered by the Board of Adjustment by Variance when:

1. There is no other option available for human and animal waste disposal to be separated. Co-mixing shall be viewed as the “last possible” alternative;
2. Co-mixing shall only be done in areas zoned Agricultural or Rural Management.
3. Co-mixed waste shall be land applied in accordance with the most restrictive elements of the MPCA’s Land Application of Septage Guidelines and this Ordinance.
4. Exemption: Co-mixing may be done in a total confinement barn for one employee with one shower and a toilet.
 - (i) Co-mixing shall only be done on non-dairy farms. Dairy farmers wishing to co-mix shall contact the MN Department of Agriculture.
8. Type IV systems are prohibited in Mower County.
9. Any system classified as “Warrantied System”, “Performance System” or “Experimental System” as found in MPCA Rules is prohibited in Mower County.
10. Property owner installation or repair of any Type I-V system is prohibited in Mower County.
 - a. Exception shall be made if the homeowner is installing a holding tank for which a permit has been granted;
 - b. Exception shall be made if the homeowner is installing a Type I system that is exclusively used as their own dwelling or seasonal dwelling and the homeowner is also licensed by the State of Minnesota as an ISTS installer for which a permit has been granted.
 - c. Exception shall be made if the homeowner is making a repair to an existing system that does not require special licensure by the State of Minnesota or a permit by Mower County as listed in Section 3.20.
11. Class V Injection Wells are not regulated by this Ordinance. Owners of Class V injection wells are required to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are required to indentify all Class V injection wells in property transfer disclosures.

SUBDIVISION 2: ADMINISTRATION

2.10 ADMINISTRATION BY STATE AGENCIES

1. For an on-site SSTS 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 the on-site SSTS or group of systems are designed to treat an average design flow greater than 10,000 gallons per day.
2. 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.

3. SSTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota including, but not limited to campgrounds, resorts, mobile home parks, and eating and drinking establishments, shall conform to state and local requirements.
4. Any SSTS requiring approval by the State of Minnesota shall also comply with all local codes in this Ordinance. Plans and specifications must receive appropriate state and local approval before construction is initiated.

2.20 ADMINISTRATION BY MOWER COUNTY

The Department shall regulate SSTS and septage disposal in Mower County pursuant to this Ordinance.

1. The Department shall have the following duties and responsibilities:
 - a. To review all applications for SSTS.
 - b. To approve and issue permits that meet applicable requirements of this Ordinance following application review.
 - c. To inspect work in progress and to perform the necessary measures to determine its compliance with this Ordinance.
 - d. To investigate complaints regarding SSTS and septage disposal.
 - e. To perform compliance inspections on new systems.
 - f. To issue Certificates of Compliance or Notices of Noncompliance where appropriate.
 - g. To issue Stop Work Orders (Cease and Desist) and Notices of Violation, pursuant to this Ordinance.
 - h. To maintain proper records for SSTS including, but not limited to, complaints regarding noncompliance; compliance inspections; site evaluation records; design records; applications and exhibits; record drawings; variance requests; issued permits; Certificates of Compliance; and enforcement proceedings.
 - i. To submit annual reports to the MPCA to demonstrate enforcement of the local Ordinance in compliance with MN Rules, Chapter 7082.
 - j. To refer violations of this Ordinance to the Office of the County Attorney.
 - k. Neither the issuance of permits or certificates of compliance 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 or installed, in compliance or noncompliance with the provisions of these standards and regulations.
 - l. The Department shall have other duties and responsibilities as designated by the Mower County Board of Commissioners.

SUBDIVISION 3: PERMITTING

3.10 PERMITS REQUIRED:

1. **SSTS CONSTRUCTION PERMIT** No person shall install, alter, repair, or extend a SSTS without first submitting an application for a permit and obtaining said permit from the Department for each specific installation, alteration, repair, or extension pursuant to this Ordinance.

2. A permit shall not be required only for the work identified under Subdivision 3.20 of this Subdivision.
3. **NOT TRANSFERABLE:** Such permits are not transferable as to person or place.
4. **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 or until a change in system ownership whichever is earlier.
5. **LAND USE DEVELOPMENT (ZONING) APPLICATION:** A land use development permit shall not be issued for:

- a. The addition of a bedroom that will result in a net increase in the number of bedrooms for which the system was not previously designed to accommodate for the design flow;
- b. A nonconforming lot that does not meet the minimum lot size requirements of the current ordinance;
- c. Any building (zoning) permit or variance request in designated shoreland overlay zoning district;

Unless the SSTS is in compliance with applicable requirements of this Ordinance, as evidenced by a Certificate of Compliance.

- d. No dwelling, commercial, business, institutional or industrial use, or recreational area, shall be redesigned or enlarged if such redesign or enlargement results in exceeding the design capacity of the SSTS unless a permit has been granted by the Department to redesign or enlarge the SSTS to accommodate the expected increase in sewage.

3.20 PERMITS NOT REQUIRED

Permits shall not be required for the following:

1. Repair or replacement of pumps, floats, or other electrical devices of the pump.
2. Septic tank cover or maintenance hole risers.
3. Repair or replacement of baffles in the septic tank.
4. Installation or repair of inspection pipes and manhole covers.
5. Repair or replacement of the solid sewer pipe from building to the septic tank or holding tank.
6. Repair or replacement of the solid sewer pipe from the septic tank to the first distribution box or drop box.
7. Repair or replacement of an existing distribution box.
8. Minor maintenance and repair with prior approval from the Department.

Permits may be required by other governmental agencies for activities related to or in conjunction with such activities.

3.30 PERMIT APPLICATION REQUIREMENTS

The permit application shall be submitted on forms provided by the Department and contain the following:

1. Name, mailing address, and telephone number of the property owner.
2. Legal description of the SSTS property and SSTS parcel identification number.
3. SSTS location 911 address, Township and Section of the property.
4. SSTS designer name, address, State SSTS License Number.
5. SSTS installer name and State SSTS License Number, if different from designer.
6. Information required by the Department to ensure compliance with this Ordinance, including but not limited to:
 - a. A site evaluation with items identified in MN Rules 7080.1730 or 7081.0160 and 7081.0200 and Section 3.31 of this Ordinance with a certified statement from the licensee doing the site evaluation; and
 - b. A complete design including calculations; and
 - c. Summaries of SSTS component sizing and drawings including applicable construction information with a certified statement from the licensee doing the design.
7. Applicable fees shall be submitted to the Department.
8. On lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area, which can support a standard soil treatment system.
9. Management Plan as described in MN Rules, Chapter 7082.
10. Any other information requested pertinent to the process.

3.40 REQUIREMENTS FOR PERMIT APPLICATION

1. **MAP**
 - a. A map drawn with a north arrow. (Preferably drawn on a scale of 1 inch to 20 feet, but not essential at this scale).
 - b. Horizontal and vertical reference points of soil observations; at least three (3) for each site.
 - c. (*Preferred but not required*): Elevations of all septic system components which shall include but not necessarily be limited to, bench mark, sewer outlet, inlet to septic tank, inlet to pump tank, pump, manifold and drop boxes.
 - d. Distances to all required setback distances, lot improvements, easements, ordinary high water marks or public waters, property lines, road right-of-ways, and percent slope.
 - e. Location of any unsuitable or disturbed/compacted areas, if known.
 - f. Access route for tank maintenance.
 - g. Water supply wells within 100 feet of the proposed SSTS.
 - h. Existing and proposed buildings on the parcel or lot.

- i. Existing and proposed buried water pipes within 50 feet of the proposed SSTS.
- j. All existing and proposed SSTS main components.
- k. Landscape position and vegetation type.
- l. Parcel/lot dimensions.
- m. Estimated depth of seasonally saturated soil layer, bedrock or flood evaluation, if appropriate.
- n. Proposed elevation of the bottom of the soil treatment system.
- o. Final soil sizing factor or linear loading rate.
- p. Anticipated construction related issues.
- q. Name, address, telephone number, state license number and signature of the individual conducting the site evaluation.
- r. Design worksheets as required by the Department.
- s. 911 address and Parcel Identification Number.
- t. Names of the property owners.
- u. Signatures of the property owners; preferred.
- v. Dates of preliminary and field evaluations.

2. **Soil Observations.**

- a. Shall be done by an exposed (ie: backhoe) pit, hand auguring or probing (Flite augers are not allowed.)
- b. Soil observations shall be conducted to a depth of the seasonally saturated layer, bedrock or 3 feet below the bottom of the system.
- c. A minimum of 3 soil observations per site shall be conducted. More soil observations may be required in order to accurately identify the soil conditions within the area of the proposed SSTS. At least one soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.
- d. Percolation test shall be required in compacted or fill soil and when the soil texture, structure or consistency indicates the percolation rate may be slower than sixty (60) minutes per inch or faster than five (5) minutes per inch at the proposed site.
- e. In the event percolation tests are conducted, at least two (2) percolation tests shall be performed in the proposed soil treatment area(s).

3. **Soil Descriptions:** A soil description shall be written for each soil observation. Each soil observation shall contain the following:

- a. Depth of each soil horizon measured from the ground surface. (Horizons change with texture, color, mottling, bedrock or any other characteristic which may affect percolation or treatment).
- b. Soil matrix and mottled color described per horizon by the Munsell Soil Color Charts.

- c. Soil texture using the USDA soil classifications.
- d. Bedrock determined according to 7080.1100, Subp 8.
- e. Depth of standing water in the hole measured from the soil surface.
- f. Any other soil characteristic which must be classified according to the Soil Survey Manual, United States Department of Agricultural Handbook No 18.
- g. Soil logs shall be signed and dated by a professional licensed to perform site evaluations.

4. Clearly Marked / Staked

All buildings, including proposed buildings, wells, septic system components and soil testing locations must be clearly staked onsite.

5. Septic Tank Capacity for Single Family Dwellings

| A | B | C |
|--|---|--|
| Number of Bedrooms | Septic tank liquid minimum capacity in gallons - <u>without</u> garbage disposal | **Septic tank liquid minimum capacity in gallons – <u>with</u> or anticipation of a: garbage disposal, sewage ejector pump or grinder pump*** |
| 3 or less | 1,000 | 1,500 |
| 4 or 5 | 1,500 | 2,250 |
| 6 or 7 | 2,000 | 3,000 |
| 8 or 9 | 2,500 | 3,750 |
| More than 9* | $2,500 + (\# \text{ of bedrooms} - 9 \times 250) = (y)$ | $2,500 + (\# \text{ of bedrooms} - 9 \times 250) = (y) \times 1.5$ |
| **must include either multiple compartments or multiple tanks. In addition, an effluent screening device is recommended. | | |
| ***Multiple devices in column C does not increase tank capacity requirement (e.g. garbage disposal and a sewage ejector pump for a 4 bedroom home would require a 2,250 gallon septic tank.) | | |

6. Septic Tank Capacity for Multiple Dwellings – refer to 7080.1930, Subp. 5.

7. Septic Tank Capacity for Other Establishments – refer to 7080.1930, Subp. 7.

3.50 PERMIT APPLICATION REVIEW AND APPROVAL:

- 1. A qualified employee or qualified contractor on behalf of the Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of MN Rule 7080 or 7081 and this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed.

2. The permit shall be valid for a period of twelve (12) months from the date of issuance by the Department, and all work must be completed within those 12 months. The Department may grant an extension of the construction permit up to an additional six (6) months.
3. In the event of a change in the approved application, the applicant must file an amended application detailing the changed conditions. The design changes must be approved by the Department in writing prior to initiating construction.
4. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any provision of this Ordinance or any other Ordinance of this jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Ordinance or other Ordinances shall not be valid.
5. The issuance of a permit based on plans, specifications and other data shall not prevent the Department from thereafter requiring the correction of errors in said plans, specifications or other data, or from preventing work being carried on there under when in violation of this, or any other Ordinance.
6. The Department may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error or on the basis of incorrect information, or in violation of this or any other Ordinance.

3.60 INCOMPLETE APPLICATION OR DENIAL

If after consideration of the design submitted, the Department determines that the application is incomplete or that the work contemplated will not conform to or comply with the provisions of this Ordinance; the Department shall not approve the submitted design.

Notice of such denial, including the reason for denial, shall be served on the applicant or permittee. The design may be revised or corrected and resubmitted to the Department at any reasonable time for reconsideration.

3.70 FEES

The County Board shall establish fees for permits required by this Ordinance.

Fees shall be due and payable at the time of permit application. Application review does not begin until application is complete and fee is paid and application is deemed complete.

3.80 VARIANCES

Any affected property owner may request a variance pursuant to the Mower County Zoning Ordinance from standards specified within this Ordinance or the Mower County Zoning Ordinance for issues relating to SSTS, if allowed by MN Rule.

Variances to wells and water supply lines require variance from the Minnesota Department of Health.

3.90 SATURATED SOIL DISPUTE RESOLUTION

If a documented disagreement arises over the depth of the periodically saturated soil between two licensed businesses, contractor, or a licensed business and a Mower County qualified employee, the following procedures shall be followed:

1. All disputing parties must meet on the disputed site and attempt to resolve differences.
2. If the procedure above does not resolve the dispute, the parties shall request an opinion from a Minnesota licensed Soil Scientist who is also a certified SSTS designer or Inspector and who is independent of either of the disputing parties, including Mower County. All parties shall live by the decision of the licensed Soil Scientist. Any cost incurred shall be born by the landowner of the property involved and shall not be the responsibility of Mower County.

SUBDIVISION 4: INSPECTION REQUIREMENTS

4.10 GENERAL REQUIREMENTS

COMPLIANCE INSPECTION

Compliance Inspection shall be conducted:

1. When a SSTS is newly installed, expanded or portions are replaced;
2. At the time of property transfer:
 - a. If the SSTS is greater than five (5) years old; or
 - b. A Compliance Inspection has not been conducted within the past three years on an existing SSTS.
3. Any time the Department deems appropriate, for reasons such as, receiving a complaint or other information of system failure.
4. In designated Shoreland Overlay Zoning Districts, any time a building (zoning) permit is required for any improvement to the property, excluding land alteration permits.
5. On a non-conforming lot that does not meet the minimum lot size requirements of the zoning ordinance prior to application for a zoning permit for any improvement to the property.
6. Anytime there is an increase in the number of bedrooms or water usage that would impact the SSTS performance.
7. The Department may waive, due to frozen soil conditions, the Certificate of Compliance requirement for a zoning permit or variance for which application, or transfer of property, is made during the period from November 1 to April 30, provided that an inspection of the system is performed by the following June 1.

4.20 COMPLIANCE INSPECTION REQUIREMENTS FOR NEWLY PERMITTED INSTALLATION:

1. Compliance Inspection shall be conducted by the Department for a newly installed SSTS, or expansion or replacement of portions of an existing SSTS.
2. The SSTS shall be inspected at least once before the system is covered.

Exception shall be allowed when protocols under Section 4.50, 2 or 3, are followed and the Department is unable to make the inspection. Under these events the SSTS may be covered. The installer shall provide the Department with photographs, video or other evidence to show compliance with the Ordinance.

3. Inspections shall be conducted:
 - a. Up to two times for a drainfield trench system;
 - b. Up to three times for a mound or at-grade system;
 - c. Up to daily for a cluster or community system;
 - d. The Department reserves the right to determine a system needs additional inspections to assure the system has been constructed per submitted and approved design.
4. Inspections shall ensure compliance with applicable requirements with this Ordinance. The inspection must be performed on a form provided by the Department. Any corrective action verbally given to an installer at the time of the inspection shall be identified on the Inspection Report form.
5. A Certificate of Compliance will not be issued for the inspected SSTS until the SSTS meets applicable requirements of this Ordinance.

4.30 Compliance Inspection Requirements for Transfer of Property

When a Transfer of Property occurs, the affected property's SSTS shall be evaluated by a State of Minnesota licensed "Inspector" or "Intermediate/Advanced Inspector" through a Compliance Inspection.

1. The seller or seller's agent shall notify a licensed Inspector or Intermediate/Advanced Inspector to request a Compliance Inspection for the purpose of property transfer prior to transfer of property. Prior to the transfer of property, the seller shall submit a completed Compliance Inspection to the Department and to the buyer/recipient of the property/title.
2. A Compliance Inspection is not required by the Department for the transfer of property if the sale or transfer involves the following circumstances:
 - a. The tract of land does not contain a building with plumbing fixtures or a privy.
 - b. A Certificate of Real Estate Value is not required to be filed with the County Auditor, as per MN Statutes Chapter 272.115.
 - c. A Contract for Deed was entered into before August 1, 2004. This exemption applies exclusively to the original vendor and vendee of said contract.
 - d. The existing permitted SSTS was installed within the past five (5) years.

e. A Certificate of Compliance has been issued for the existing SSTS within the past three (3) years.

3. A Contract for Deed that was entered into on or after August 1, 2004, and before February 4, 2014, (date of adoption of this ordinance) shall complete a compliance inspection when the contract is satisfied, as per the ordinance in effect at the time of property transfer. This requirement applies exclusively to the original vendor and vendee of said contract.
4. The seller shall be responsible for all costs associated with the Compliance Inspection of the existing SSTS.
5. All costs associated to upgrade, replace or repair an imminent threat to public health or safety or a failing to protect groundwater system shall be the responsibility of the seller, or as otherwise provided for in written agreement between the seller and the buyer.
6. If the compliance portion of the Certificate of Compliance cannot be completed at the time of transaction due to prohibitive weather related conditions (e.g. snow cover or frozen ground), as certified by a licensed inspector, the compliance portion of the Certificate of Compliance shall be completed by June 1 following the closing date, provided soil conditions are suitable at that time.
7. If the property in question meets the provisions of 4.30, 2, c. – e., a copy of the property owner's real estate disclosure form must be submitted to the Department verifying that the SSTS for said property is not an imminent health threat.

4.40 COMPLIANCE INSPECTIONS AND CERTIFICATES OF COMPLIANCE FOR BUILDING (ZONING) PERMIT APPLICATIONS AND ALL OTHER LAND USE DEVELOPMENT APPLICATIONS.

1. The property owner shall be responsible party for obtaining and submitting a Certificate of Compliance for the existing SSTS.
2. A Certificate of Compliance shall be submitted to the Department before a building (zoning) permit is issued for the items listed in Section 4.10.
3. A Certificate of Compliance shall be submitted to the Department, or an SSTS permit for repair or replacement shall be obtained from the Department, before a building (zoning) permit for the items listed in Section 4.10 items 4-6 can be issued.
4. Documentation verifying that the SSTS is adequately sized shall be submitted to the Department before a land use development permit for a new or relocated dwelling can be issued.

4.50 NOTIFICATION FOR INSPECTION AND INSPECTION PROTOCOL

1. NOTIFICATION

- a. It shall be the duty of the permittee, or their agent, to notify the Department twenty-four (24) hours prior to the requested inspection in person, by telephone or in writing between the hours of 7:30 a.m. and 4:30 p.m. No guarantee of an inspection shall be given unless the inspection is requested 24 hours in advance.

- b. If adjustment of the specific inspection time is necessary, the adjustment notice shall be given not less than four (4) hours in advance of the time the licensee desires inspection, and the Department will accommodate the change if possible.
- c. It shall be the duty of the permittee or licensee to make sure that the work meets the prescribed standards and limitations before giving the above notification.
- d. The installation and construction of the SSTS shall be in accordance with the permit requirements and Department-approved design.
- e. Proposals to alter the permitted construction shall be reviewed and the proposed changes approved by the Department prior to construction.

2. Inspection Protocol

- a. All new systems must be inspected by the Department. All conditions regarding notification for inspections apply as described in Section 4.50.
- b. The equipment and supporting labor necessary for the inspection shall be furnished by the licensee or permittee.
- c. When required by the Department, sewage tank(s) must be tested for water-tightness by a method approved by the Department.
- d. If any SSTS component is covered before being inspected and approved by the Department, it shall be uncovered upon the direction of the Department, if deemed necessary.
- e. If the permittee or licensee provides proper notice as described in Section 4.50, 1, above, and the Department does not appear for an inspection within one-half (1/2) hour of the scheduled inspection time, the licensee may complete the installation. The licensee shall file an as-built drawing on a Department approved inspection form.

- (i) The as-built drawing shall be submitted to the Department within ten (10) days of the SSTS installation.

The as-built drawing shall also include either photographs or video of uncovered components of the SSTS, and shall include certified statement by the licensee that certifies that the SSTS was installed in accordance with this Ordinance. The licensee agrees to indemnify and save Mower County harmless from all loss, damages, costs, charges that may be incurred by the County because of the licensee's failure to comply with the applicable requirements of this Ordinance.

Following the as-built drawing submittal, the Department will visit the site and issue a Certificate of Compliance or Notice of Noncompliance.

- f. A Certificate of Compliance for new SSTS Construction or 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.

- g. The Certificate of Compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is in compliance with the Ordinance requirements.
- h. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must be issued to the owner that includes a statement specifying those ordinance provisions with which the SSTS does not comply.
- i. Certificate of Compliance for new construction shall remain valid for five (5) years from the date of issuance unless the Department finds evidence of an imminent threat to public health or safety requiring removal or abatement.

3. PROTOCOL FOR SSTS INSTALLATION DURING NON-BUSINESS HOURS

- a. Prior notification must be given to the Department, as described in Section 4.50, if the SSTS is to be installed during hours when the Department is closed, on Saturdays, Sundays, or legal holidays. An onsite inspection shall be scheduled within the next five (5) Department business days, and the Department will visit the site to meet with the installer and issue a Certificate of Compliance or a Notice of Noncompliance.
- b. All efforts must be made to leave the SSTS uncovered for inspection by the Department during businesses hours.

If this is not possible, an as-built drawing with a certified statement on a Department approved form shall be submitted. Along with the form, photographs or video of the system components, or other evidence that will satisfy the Department that the system meets applicable requirements and is in compliance with this Ordinance.

- (i) If the Department is not satisfied that the system meets applicable requirements the system shall be uncovered upon request of the Department.
 - (ii) The permittee or licensee shall submit to the Department an as-built drawing on an inspection form provided by the Department within ten (10) days of completion of the installation.
 - (iii) The as-built drawing shall be signed and certified by the designated Registered Professional that the SSTS is in compliance with applicable requirements of this Ordinance.
 - (iv) The as-built drawing shall include detailed drawing of the SSTS, location of the SSTS components, and their relative location to permanent structures or physical features of the lot/parcel.
- c. Failure of the Department to inspect the SSTS does not relieve or lessen the responsibility or liability of any person owning, controlling or installing any SSTS.

4. INSPECTION REQUIREMENTS

- a. The Compliance Inspection shall be completed by a private, state licensed “Inspector,” “Intermediate/Advanced Inspector” or qualified employee of the Department, independent the SSTS owner and the SSTS installer.
- b. A Certificate of Compliance or Notice of Noncompliance shall be prepared by the qualified employee or “Inspector,” or when applicable, “Intermediate/Advanced Inspector”.
- c. A Certificate of Compliance or Notice of Noncompliance, along with a compliance inspection report, with a certified statement shall be submitted to the owner and the Department, within fifteen (15) days following a Compliance Inspection.
- d. The Compliance Inspection report must identify the type of SSTS and indicate whether the SSTS is in compliance with MN Rules Chapter 7080.1500 or 7081.0080.
- e. Along with a Certificate of Compliance, the septic tank(s) or holding tank shall be pumped as in item g., as part of a compliance inspection.
- f. The septic or holding tank(s) must be pumped by a State licensed Maintainer.
- g. The maintainer shall pump the septic tank(s) or holding tank(s) through the maintenance access and check the following:
 - (i) The capacity of the tank(s) in gallons;
 - (ii) That the tank(s) is/are watertight and not leaking on the date of pumping.
 - (iii) The presence and condition of inlet and outlet baffles; and
 - (iv) That the maintenance access is within twelve (12) inches of ground surface or tanks installed before the effective date of this Ordinance: February 4, 2014
 - (v) That the maintenance access is currently at or above the ground surface for tanks installed after the effective date of this Ordinance: February 4, 2014.
- h. If the Maintainer determines that the tank is not watertight, then the tank shall be considered failing to protect groundwater.
- i. Baffles shall be intact or otherwise repaired or replaced and documentation submitted to the Department.
- j. The licensed Maintainer shall submit to the Department a report on a form approved by the Department so that a licensed or qualified employee is reasonably assured that the tank(s) is/are in compliance with applicable requirements of this Ordinance.
- k. A Certificate of Compliance for an existing SSTS is valid for three (3) years from the date of issuance unless the Department finds evidence of an imminent health threat.
- l. A Certificate of Compliance for a new SSTS is valid for five (5) years from the date of issuance unless the Department finds evidence of an imminent health threat.
- m. **Existing Systems:** All existing systems:
 1. Built after March 31, 1996 shall have three foot of vertical separation* (see item 3 below);

2. Built before April 1, 1996, and are not located within a SWF (shoreland overlay district; wellhead protection area; or a food, beverage, lodging establishment [per MN Rule 7080, Subp 84.]) must have at least two (2) feet of vertical separation from the water table as measure outside the area of influence in an area of similar soil.
3. *Previously constructed SSTS, having at least three (3) foot of vertical separation may allow for no more than a fifteen (15%) percent reduction in the vertical separation. This reduction is solely allowed to account for settling of sand or soil, normal variation of measurements, and interpretation of the limiting layer conditions.

4.70 NOTICE OF NONCOMPLIANCE:

1. A Notice of Noncompliance shall be issued and state which portion of the SSTS is/are non-complying.
2. Copies of the Notice of Noncompliance shall be provided to the property owner and the Department within fifteen (15) days.
3. A Notice of Noncompliance shall indicate whether an imminent health threat exists. The following conditions apply for a Notice of Noncompliance:
 - a. An SSTS receiving a Notice of Noncompliance (e.g. failure to protect groundwater) shall be abandoned, upgraded, replaced, or repaired in compliance with Minnesota Rules Chapter 7080, as applicable within one (1) year from the date of the compliance inspection.
 - b. An SSTS posing an imminent threat to health or safety shall either be abandoned, upgraded, replaced, repaired or discharge discontinued within an appropriate time not to exceed ten (10) months from the date of the compliance inspection.
 - (i) In certain cases, as determined by the Department, abatement of an Imminent Threat to Public Health and Safety may be required within 10 days as obligatory under MN Rules Chapter 145A.

4.80 MANAGEMENT PLANS

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the SSTS construction permit application. The Department shall be notified of any system modification made during construction and the Management Plan revised and resubmitted at the time of final construction certification.

4.81 REQUIRED CONTENTS OF A MANAGEMENT PLAN. Management Plans shall include:

1. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
2. Monitoring requirements;
3. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;

4. Statements 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.

4.82 REQUIREMENTS FOR SYSTEMS NOT OPERATING UNDER A MANAGEMENT PLAN

SSTS that are not operated under a management plan must have treatment tanks inspected and provide for the removal of solids, if needed, every three years. Solids must be removed when their accumulation meets the limit described in MN Rules Chapter 7080.2450.

SUBDIVISION 5: CONSTRUCTION STANDARDS FOR HEALTH AND ENVIRONMENT PROTECTION

5.10 TECHNICAL STANDARDS

The standards provided in MN Rules, Chapter 7080 and 7081 shall be the basis for issuance of notice of violations and notices of suspension or violation.

5.20 DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING

The systems absorption area and mound absorption ration must be sized according to Table IX or by Table IXa from MN Rules, Chapter 7080.2150, Subp 3(E) and herein adopted by reference as not constituted and from time to time amended.

5.30 ADDITIONAL SOIL TREATMENT AREA REQUIREMENTS

All new lots created after January 23, 1996, shall have a minimum of one (1) additional soil treatment area, which can support a soil Type I soil treatment system.

The land owner is responsible for preserving the suitability of the alternate site or use as an SSTS soil treatment area in the future.

5.40 PLATS

All preliminary plats for proposed development of one or more building sites shall be submitted to the Department for review to determine if individual sewage treatment systems that comply with this Ordinance could reasonably be installed on each lot in the proposed development.

1. The Department shall require information and studies relating to soils, percolation rates, saturated soil and bedrock evaluations, setback requirements and other relevant features, and information as to economic feasibility of construction of an off-site cluster sewage treatment system to serve all or a portion of such lots identified in the preliminary plat.
2. Each lot within 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 and existing wells within one hundred (100) feet.

- d. Soil boring/pit/percolation test data demonstrating that there are two (2) areas suitably sized for standard Type I sewage treatment systems.
- e. All easements, including but not limited to drainage and utility easements.

5.50 FLOODPLAIN

SSTS shall not be located in a floodway, and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate a SSTS outside a floodplain, location within the flood fringe is allowed if the requirements of MN Rules, Chapter 7080.2270 and all relevant local requirements are met. SSTS are prohibited from being located in a 10-year floodplain per MN Rule 6120.

5.60 HOLDING TANKS

1. Holding tanks may be considered for existing dwellings that are correcting a failing system, as a temporary method for a period of up to 12 months, during which time measures are taken to provide municipal sewer services or the installation of an approved system as provided in this chapter.
2. Holding tanks for existing dwellings may be allowed on a permanent basis by the Department where it can be shown that a Type I system is not feasible.
3. Holding tanks for new dwelling construction shall be allowed only by variance.
4. Holding tanks may be considered on a permanent basis for non residential, low water use establishments with a sewage flow of 150 gallons per day or less, subject to approval by the Department.
5. Owner of a holding tank shall maintain and place on file with the County a current contract for septage treatment and disposal with a licensed maintainer, or if pumping as allowed in MN Rule **7083.0700** (D), shall record pumping frequency and volume and file a report annually to the County. All septage shall be disposed of as required in Subdivision 6.
 - a. Notification of termination or change in the pumping disposal contract and/or monitoring plan shall be submitted to the Department within thirty (30) days by the permittee or the Maintainer.
 - b. The installation of a holding tank shall include a warning light or audible alarm or remote water level sensor.
6. All tanks used as holding tanks must be tested for water tightness.

5.70 ADDITIONAL SEPARATION DISTANCES

- (a) The separation distance from an SSTS to a Type 3, 4, 5 or Type 6 wetland shall be seventy-five (75) feet.
- (b) The separation distance to artificial drainage ditches and intermittent streams shall be seventy-five (75) feet.
- (c) The separation distance from the well to an SSTS shall be as specified in Minnesota Statutes 103I and Minnesota Rules Chapter 4720 and 4725 as amended.

(d) The separation distances from SSTS to designated rivers and streams are identified in the Mower County Zoning Ordinance under Shoreland Management Ordinance District.

5.60 MAINTENANCE

The owner of an SSTS or the owner’s agent shall measure and remove the accumulations of scum and sludge in the septic tank on a regular basis, but not less frequently than every three (3) years, and is responsible for full maintenance of the SSTS as indicated by Minnesota Rule Chapter 7080 or 7081.

5.70 SYSTEM ABANDONMENT.

A SSTS or part thereof that is no longer to be used must be abandoned according to Chapter 7080.2500.

The abandonment must be conducted by a licensed SSTS installer or SSTS maintainer. The State licensed business or person abandoning the system must complete and sign a record of abandonment and must submit that record to the Department within 30 days of abandonment.

SUBDIVISION 6: PROPER TREATMENT AND DISPOSAL

6.10 STANDARDS FOR SEPTAGE TREATMENT AND DISPOSAL.

Domestic septage disposal and treatment practices shall comply with U.S. Environmental Protection Agency (EPA) rules as found in 40CFR Part 503, entitled “Standards for the Use or Disposal of Sewage Sludge,” and MPCA guidelines as detailed in “Land Application of Septage.”

1. Septage may be land spread or disposed of at a sewage treatment plant only with the permission of the owner.
2. The following requirements shall apply to land spread septage from individual sewage treatment systems which receive and treat domestic wastes. They do not apply to waste materials from septic or holding tanks which receive industrial or agricultural wastes.

6.20 REQUIREMENTS FOR LAND APPLICATION SITES

General

Sites selected to receive septage application shall meet the requirements of this part.

1. SUITABLE SOIL CONDITIONS. The slope restrictions in Table 1 shall be maintained.

| TABLE 1 | MINIMUM REQUIREMENTS | |
|---|--|---|
| SOIL TEXTURE | At the zone of septage application (surface horizon or injection depth) the soil texture must be one of the following: | |
| | <ul style="list-style-type: none"> • sandy loam • silt • sandy clay loam • sandy clay • silty clay | <ul style="list-style-type: none"> • loam • silt loam • clay loam • silty clay loam • clay |
| SURFACE HORIZON PERMEABILITY | Septage must be incorporated within 6 hours or injected if the permeability of the surface layer of the soil is less than or equal to 0.2 inches/hour. | |
| DEPTH TO BEDROCK* * This depth must be a minimum of five (5) feet, if the soil is classified as “highly permeable soil”. | Septage may not be applied to soil with a seasonally high water table or bedrock of less than 3 feet from the zone of application. | |
| DEPTH TO SEASONALLY SATURATED SOIL** ** On sites where tile drainage is installed, the depth to tile lines is considered the depth to the seasonally saturated soil | Septage may not be applied to soil with a seasonally high watertable or bedrock of less than 5 feet from the zone of application if the soil is rated as highly permeable by the Natural Resource Conservation Service. For seasonally high watertable soils, this separation distance can be gained by a drainage system designed according to or equivalent to Natural Resources Conservation Service (NRCS) engineering criteria. | |
| FREQUENCY TO FLOODING | Must not be frequent. | |
| FLOODPLAIN | Septage may not be applied to soil within a 100-year floodplain as designated by the Department of Natural Resources. | |

2. SLOPE RESTRICTIONS. The slope restrictions in Table 2 shall be maintained.

| Table 2 | Slope (percent) | Surface Application | Injection or Incorporation within 6 hours |
|---|------------------------|----------------------------|--|
| | 0-6 % | Allowed | Allowed |
| | >6-12 % | Not Allowed | Allowed |
| | > 12 % | Not Allowed | Not Allowed |
| On snow covered or frozen soils septage may only be applied on areas with 2% or less slope. | | | |

3. SETBACK REQUIREMENTS.

Septage shall not be land applied closer than the distances listed in Table 3.

| Table 3: | | Separation Distances in Feet | | |
|--|-------------------|------------------------------|---------------------------|----------------|
| Feature | | Surface Applied | Incorporated within 6 hrs | Injected |
| Private drinking water source | | 200 | 200 | 200 |
| Public drinking water source ¹ | | 1000 | 1000 | 1000 |
| Irrigation well | | 50 | 25 | 25 |
| Residences ² | | 200 | 200 | 100 |
| Residential Development ² | | 600 | 600 | 300 |
| Public Contact Site | | 600 | 600 | 300 |
| Down gradient lakes, rivers, streams wetlands, intermittent streams, or tile inlets connected to these surface water features and sinkholes ³ | 0-6% slope | 200 | 50 | 50 |
| | 6-12% slope | Not allowed | 100 | 100 |
| | Winter 0-2% slope | 600 | Not Applicable | Not Applicable |
| Grassed waterways ³ | 0-2% slope | 100 | 33 | 33 |
| | 6-12% slope | Not allowed | 33 | 33 |

¹ There may be special requirements if the land application site is within the boundaries of a wellhead protection area. Check with the Minnesota Department of Health.

² Separation distances may be reduced with written permission from all persons inhabiting within the protected distance.

³ Separation distances are measured from the centerline of grassed waterways. For grassed waterways that are wider than these separation distances, application is allowed to the edge of the grass strip. Grassed waterways are natural or constructed, typically broad and shallow, and seeded to grass as protection against erosion.

4. CROP, GRAZING OR FOOD PRODUCTION RESTRICTIONS

Minimum duration between time of septage application and harvest, grazing, and public access to site.

| Restriction Reference | Table 4 Restricted Activity | Waiting Period |
|-----------------------|--|-------------------|
| A | Food crops whose harvested part may touch the soil/septage mixture (e.g. melons, squash, tomatoes, etc.) | 14 months |
| B | Food crops with harvested parts below the surface (e.g. potatoes, carrots, etc.) | 38 months |
| C | Animal feed, food, or fiber crops that do not touch the soil surface (e.g. field corn, sweet corn, hay, flax, etc.) | 30 days |
| D | Turf harvest – not required if lime stabilization used for pathogen control | 1 year |
| E | Grazing of animals – not required if lime stabilization used for pathogen control | 30 days |
| F | Public Access to land*– not required if lime stabilization used for pathogen control High Potential for Exposure Low potential for Exposure | 1 year 30 days |
| | *Lands with high potential for exposure are public contact sites, reclamation sites located in populated areas, turf farms, or plant nurseries. Lands with low potential for exposure are lands with infrequent public use and include areas such as agricultural land, forest, or reclamation sites located in unpopulated areas. | |

5 VECTOR ATTRACTION REDUCTION REQUIREMENTS

One of the following options for vector attraction reduction must be met when septage is applied:

| | |
|--|---|
| Option 1 Injection | Septage must be injected into the soil. No significant amount of septage can be present on the soil surface within one (1) hour after injection has taken place. |
| Option 2 Immediate Incorporation | Septage must be incorporated by tillage within six (6) hours after surface application |
| Option 3 Lime Stabilization | The pH of the septage must be raised to 12.0 or greater by alkali addition and without the addition of more alkali must remain at 12.0 or higher for thirty (30) minutes. |

Note: When lime stabilization is used for pathogen control or vector attraction reduction, the temperature of the septage must be taken into account when measuring pH. The reading must be taken at the standard temperature of 25°C (77°F), or corrected to 25°C (see the Maintainers Manual for a detailed explanation on how to make this correction.)

6. PATHOGEN CONTROL REQUIREMENTS

One of the following options for pathogen control must be met when septage is land applied.

| | |
|---|--|
| Option 1 Site Restrictions | The site restrictions A through F in Table 4. Minimum duration between time of septage application and harvest, grazing, and public access to site must be maintained. |
| Option 2 Lime Stabilization with Site Restrictions | The pH of the septage must be raised to 12.0 or greater by alkali addition and without the addition of more alkali, must remain at 12.0 or higher for thirty (30) minutes and the site restrictions A through C in Table 4 must be maintained. |

7. 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 septage is injected or incorporated into the soil, the six (6) inches of water-holding capacity and the three (3) foot separation distances shall exist between the bottom of the injection or incorporation zone and the water table or bedrock.
- d. For the purpose of septage disposal and treatment, 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 high water table.
- e. For the purpose of septage disposal and treatment, 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 NRCS engineering standards and criteria.
- f. If, according to available information such as NRCS 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 application.
- g. The soil texture by the United States Department of Agriculture soil textural classification system, at the zone of septage application shall be one of the following: sandy loam, loam, silt loam, silt, sandy clay loam, sandy clay, clay loam, silty clay loam, silty clay or clay.
- h. Septage shall not be spread on soils with surface permeability's slower than 0.2 inch/hour unless the septage is injected or incorporated within six (6) hours.

8. LAND APPLICATION PRACTICES AND RATES.

- a. Septage shall not be applied on soils classified as peat or muck soils which have not been adequately drained.

- b. Septage shall not be applied such that ponding or runoff occurs due to saturated soil conditions. Runoff must be collected from the surface disposal site with a system capable to handle a 25-year, 24-storm event.
- c. Septage 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 septage shall be conducted as necessary to prevent nuisance conditions and excessive accumulation of septage solids on the soil surface.
- e. Septage shall not be applied by spray irrigation or other methods, which may cause aerosols to drift from the application site.
- f. Septage shall be land spread in such a quantity so as not to exceed the agronomic rates as established by the University of Minnesota Septage Application Rate publication.

9. SPECIFIC NITROGEN MANAGEMENT REQUIREMENTS:

- a. After the second cutting of hay crop the septage application rate must be reduced to supply no more than half of the MANA rate of the cropping year.
- b. Septage shall not be applied on land that remains fallow for more than one year.
- c. When no crop is grown on the application site during the time period July 1 through August 31, the following requirements apply
 - i. Application of septage are limited to rates that supply no more than fifty (50) pounds of nitrogen per acre (20,000 gallons/acre); and
 - ii. All nitrogen applied must be credited to the following crop year; and
 - iii. A crop must be grown in the cropping year.

10 HYDRAULIC LOADING RATE LIMITS:

The following requirements must be met.

- a. Daily application rates for surface applied septage are limited to 10,000 gallons/acre a day.
- b. Field conditions must be taken into account to ensure that the following requirements are met.
 - i. No runoff of septage from the application site is allowed.
 - ii. No surface ponding of septage is allowed after six (6) hours from the time of application.
 - iii. Minimal movement of septage from where it was applied occurs.
- c. Application rates are limited to a total of 15,000 gallons/acre over the entire winter period.

| Soil Texture | Maximum Available Nitrogen Applied (lbs/acre) | Surface Applied (gal/acre) | Injected (gal/ac) |
|--------------|---|----------------------------|-------------------|
| Medium | 100 | 49,000 | 39,000 |
| Fine | 125 | 65,000 | 52,000 |

- d. Septage shall be spread as uniformly as possible over the area to which the septage is applied.
- e. Total daily surface applications of septage shall not exceed the following:
 - i. For medium textured soils, one-half inch of liquid (13,500 gallons per acre); and
 - ii. For fine textured soils, one-fourth inch of liquid (7,000 gallons per acre)
- f. Septage shall not be spread on soils that are wetter than the plastic limit so as to prevent excessive soil compaction.

11. GENERAL SITE MANAGEMENT

- a. Septage shall not be disposed of on or into any cave, sinkhole, or wetland.
- b. Septage shall not be applied on any land without permission of the landowner.
- c. Septage application is not allowed on areas of a site ponded with water or septage.
- d. Septage cannot be applied by spraying from public roads or across road right-of-ways.
- e. All septage that is land applied must be uniformly distributed over the area of the site used during application.
- f. A distribution device (splash plate or spreader) is required on the application vehicle so that even application of septage is possible and application rate limits can be met.
- g. Measures must be taken to ensure that septage remains where it was applied and does not runoff and concentrate in low areas of the field or runoff the site.
- h. The application vehicle must be moving at all times during the application.
- i. Winter applications can not occur unless measures are taken that allow septage to be applied evenly over the application area.

6.30 RESTAURANT GREASE TRAP WASTES DISPOSAL REQUIREMENTS

Restaurant grease trap waste can be land applied if all of the requirements for the land application of septage are followed:

Option 1: Grease trap waste must be incorporated into the soil within six (6) hours of surface application or injected into the soil. The application rate not to exceed 15,000 gallons/acre/year.

Option 2: Restaurant grease trap waste must be injected into the soil and is limited to an application rate of 15,000 gallons/acre/year.

Option 3: Restaurant grease trap waste from a tank designed for the purpose of removing fats, oils, and greases from effluent before discharge to an SSTS must be mixed with domestic septage prior to land application. The quantity of restaurant grease trap waste mixed with septage cannot exceed twenty-five (25) percent of the mixture by volume. Maximum application rates of this mixture are limited to 60,000 gallons/acre/year.

Option 4: When no separate grease trap is in place to collect restaurant greases, fats, and oils, the first septic tank that receives effluent from the restaurant shall be considered the grease trap. The restaurant grease trap waste from the first septic tank must be combined with domestic septage and mixed prior to land application. The quantity of restaurant grease trap waste mixed with the septage cannot exceed fifty (50) percent of the mixture by volume. The source of the septage used for diluting. The grease trap waste can be from the other tanks in series with the first or from tanks from another SSTS. Maximum application rates of this mixture are limited to 30,000 gallons/acre/year.

- (i) Grease trap waste must be mixed with septage not derived from grease traps prior to land application. The quantity of grease trap waste mixed with septage cannot exceed 25% of the mixture by volume. Maximum application rates of this mixture are limited to 60,000 gallons/acre/year.
- (ii) Grease trap waste must be mixed with septage not derived from grease traps prior to land application. The quantity of grease trap waste mixed with septage cannot exceed 50% of the mixture by volume. Maximum application rates of this mixture are limited to 30,000 gallons/acre/year.

In addition to the application rate limits specified for each option, the applicant rate limits used for septage also apply. The maximum application rate for restaurant grease trap waste cannot cause the annual septage application rate limit to be exceeded.

Additional septage may also be applied to sites receiving restaurant grease trap waste or mixtures of restaurant grease trap waste and septage if the sum of all the wastes are part of the maximum yearly maximum allowable septage application rate.

SUBDIVISION 7: LICENSURES REQUIRED

7.10 LICENSING OF INSPECTORS, DESIGNERS, INSTALLERS AND MAINTAINERS

1. All work to design, install, repair, maintain, operate, or inspect all or part of an SSTS must be performed by a state SSTS licensed business, as specified under MN Rules 7083, applicable to the type of work being performed.

SUBDIVISION 8: ENFORCEMENT AND PENALTIES

General Requirements

8.10 Regulations

The Department shall enforce, pursuant to this Ordinance, minimum standards for SSTS, the land application of septage and permitting requirements.

8.20 Certification Requirements

All site evaluation, SSTS design, installation, alteration, repair, maintenance, pumping and inspection activities for an SSTS shall be completed under a license or by a qualified employee, or as exempted under MN Rules, Chapter 7080.0700. subp. 1.

8.30 Misdemeanor Penalty

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.

1. **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 County Board; 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 County may be imposed upon the applicant, permittee, install, or other responsible person either in addition to or separate from other enforcement actions.
2. **Costs.**
 - a. All costs associated with the construction, repair, replacement, alteration or extension of an SSTS shall be the responsibility of the current landowner, unless otherwise provided for in this Ordinance.
 - b. All costs associated with the land application of septage shall be the responsibility of the person who applies septage at each location. Clean up cost resulting from the improper disposal of septage shall be borne by the person who applied septage to the property.

8.40 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 Section.

8.50 INTERFERENCE PROHIBITED

No person shall hinder or otherwise interfere with the Department in their performance of their duties and responsibilities pursuant to this Section of the Ordinance. Refusal to allow reasonable access to the Department shall be a separate and distinct offense, whether or not any other specific violations are cited.

8.60 STOP WORK ORDERS / CEASE AND DESIST 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 or mailed to the installer or landowner. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Department.

8.70 NOTICES OF VIOLATIONS

1. **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 noncompliance with the Ordinance.
2. **Serving a Notice of Violation.** A notice of Violation shall be served by mail or hand delivered upon the applicant, permittee, installer, or other person found to be in violation of this Ordinance and shall contain the following:
 - a. A statement documenting the findings of fact determined through observations, inspections, re-inspections or investigations.
 - b. A list of specific violation(s) of this Section.
 - c. Specific requirements for correction or removal of the specified violation(s).
 - d. A mandatory time schedule for correction, removal, and compliance with this Ordinance.
 - e. Specific enforcement actions that will be taken if corrective measures is not completed.
3. **Enforcement Action.** If specific violations of the Ordinance are not adequately corrected by 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.

8.80 SUSPENSION OF PERMITS.

1. **Cause to Issue Notice of Suspension.** The Department for violation of any provision of this Ordinance may suspend any permit require under this Ordinance. Upon written notice to the applicant and/or permittee, said permit may be suspended by the Department.
2. **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.
3. **Contents of a Notice of Suspension.** A Notice of Suspension shall contain the following:
 - a. The effective date of the suspension;
 - b. The nature of the violation or violations constituting the basis for the suspension;

- c. The facts which support the conclusion that a violation or violations has occurred; and
- d. A statement that if the permittee desires to appeal, the permittee must within ten (10) County working days, exclusive of day of service, file a request for hearing pursuant to the Mower County Zoning Ordinance.

- 4. **Enforcement Action.** If said suspension is upheld and the permittee has not demonstrated within the sixty (60) day period that the provision 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.
- 5. **Suspension Re-inspections.** Upon written notification from the permittee that all violations for which a suspension or summary suspension was invoked have been corrected, the Department shall re-inspect the SSTS or activity within a reasonable length of time, but in no case more than seven (7) 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.

8.90 REVOCATION OF PERMITS

- 1. **Cause to Issue a Notice of Revocation.** The Department for violation of any provisions of this Ordinance may revoke any permit granted pursuant to this Ordinance.
- 2. **Service of 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 the 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 Mower County Zoning Ordinance, revocation shall not occur until written notice of the Department Action has been served on the permittee.
- 3. **Contents of a Notice of Revocation.** A Notice of Revocation shall contain the following:
 - a. The effective date of the revocation;
 - b. The nature of the violation or violations constituting the basis of the revocation;
 - c. The facts which support the conclusion that a violation or violations has occurred;
 - d. A statement that if the permittee desires to appeal, the permittee must within ten (10) County working days, exclusive of day of service, file a written request for a hearing pursuant to the Mower County Zoning Ordinance.

SUBDIVISION 8: ORDINANCE REPEAL, ADOPTION AND EFFECTIVE DATE

9.10 ORDINANCE REPEALED

The Mower County Sewage Treatment System Ordinance (#04-04) effective August 1, 2004, and amendments thereto is repealed in its entirety.

9.20 ADOPTION

This Mower County Subsurface Sewage Treatment System Ordinance shall be in full-force and effect on and after February 4, 2014, upon adoption and publication pursuant to law.

ATTEST

MOWER COUNTY, MINNESOTA

Clerk of Mower County Board of Commissioners

Chairperson

Date

Date