

MOWER COUNTY

SUBSURFACE SEWAGE TREATMENT

(SSTS) ORDINANCE

Adopted: January 12, 2021

By the Mower County Board of Commissioners:

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MOWER COUNTY SEWAGE AND WASTEWATER TREATMENT ORDINANCE

Introduction

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:

- 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.
- Requirements for issuing permits for installation, alteration, repair, expansion or abandonment of SSTS.
- Requirements for all SSTS permitted under the revised Minnesota Rules Chapters 7080 and 7081 to be operated under an approved management plan.
- Standards for upgrade, repair, replacement or abandonment of SSTS.
- Standards for proper septage disposal.
- Provisions for enforcement of these requirements.
- 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

1.01 PURPOSE

The purpose of this Ordinance shall be to provide minimum standards for and regulation of Subsurface Sewage Treatment Systems (SSTS). This includes, but shall not be limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. This ordinance includes the proper location, design and construction; necessary modification and reconstruction; operation, maintenance, repair and proper disposal. An essential purpose is 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. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the

provisions of this Ordinance or by a system that has been permitted by the MPCA and/or County.

1.02 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, replacement, 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 public education, 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.

1.03 SCOPE

This Ordinance shall regulate the design, construction and repair of SSTS in Mower County. This Ordinance includes, but is 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.

1.04 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, Minnesota Rules, Chapter 7080 thru 7083, or successor Rules; and MN Rules MN Rule 4714.0311, or successor rules.

1.05 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.

1.06 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. This adoption does not supersede the County’s right to exercise or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

1.07 SEVERABILITY

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

1.08 LIABILITY

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

1.09 RETROACTIVITY

1. All SSTS: Except as explicitly set forth in 1.09, 2, below, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.
2. Existing Permits: Unexpired permits which were issued prior to the effective date of this Ordinance 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 first. The Department may on a case by case basis, extend existing permits for up to 6 months as necessary.

1.10 UPGRADE

The expansion of an existing SSTS shall include any system upgrades that are needed to bring the entire system in compliance with the provision set forth in this Ordinance at the time of expansion.

1.11 PUBLIC EDUCATION OUTREACH

Various programs shall be provided by the Department, and in cooperation with other agencies to increase overall public awareness and knowledge of SSTS and its importance to protecting the waters of the state.

Educational Programs shall be provided by the Department to increase public awareness of and knowledge of an SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance and management.

The Department will inform, provide educational opportunities and provide forms available to assist real estate agencies, lending institutions, title companies, law firms or any other businesses involved in the transfer of ownership of property to comply with the requirements of this Ordinance.

The Department will inform and provide educational opportunities to commercial businesses, industrial uses, and other such institutional businesses/uses that have existing SSTS or MSTs, of the overall importance of proper maintenance and to ensure ongoing compliance, and to also encourage that compliance inspections be performed on any system(s) that may be older than 5 years.

1.12 RECORD KEEPING

The Department shall maintain current records of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of non-compliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, and annual list of all sewage tanks installed in the County sorted by licensed installation businesses, and other records relevant to each system.

1.13 ANNUAL REPORT

The Department shall provide an annual report of SSTS permitting activities as required by the MPCA for the previous calendar year.

1.14 FEES

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

1.15 INTERPRETATION

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

1.16 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 OR AS-BUILT DRAWINGS: As-Built Drawings are synonymous with record-drawings. "As-built" means drawings and documentation specifying the final in-place location, elevation, size, and type of all system components. These records identify the results of materials testing and describe conditions during construction. Information provided must be verified by a certified statement of the person or company installing the SSTS.

AUTHORIZED REPRESENTATIVE: An employee or agent of Mower County Public Works Department.

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 by a qualified and licensed individual or business.

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 it serves.

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.

DRAINAGE METHODS: means any ditching, tiling or other method which is installed in the periodically saturated soil zone to lower the groundwater levels for the purpose of providing the required unsaturated zone for treatment of sewage effluent, in accordance with the Minnesota Pollution Control Agency’s policy on utilizing artificial drainage methods: #4.04, dated June 2009, or as amended.

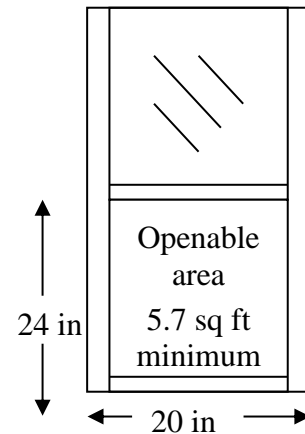
DECK: A deck is an open platform with or without railings generally designed for outside enjoyment. A deck is a structure which is not enclosed by a wall exceeding 36 inches in height from the floor of the platform in an upward direction. A deck shall not be enclosed by screening, windows or a roof. A deck is allowed to have a canopy or awning to provide shading on all or a portion of the deck.

DEPARTMENT: The Mower County Public Works 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, within 10 feet of and/or connected to any Drainage Method(s), an open air (feedlot) lagoon, 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, identified as discharging

sewage within 10 feet of Drainage Methods, 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. The determination of a threat to groundwater for other conditions must be made by a qualified employee or an individual licensed in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.

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 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 MN Rules Chapter 4714.

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

Note: Industrial Wastes listed above shall not be disposed of within an SSTS system. Such wastes need to be properly managed separately.

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.

LOT: Lot means a parcel of land in a plat recorded in the office of the County Recorder or Registrar of Titles or a parcel of land created and conveyed, using a specific legal description, for a building site to be served by an ISTS.

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

MANAGEMENT PLAN: A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

MINOR STRUCTURES: Self-standing storage, utility, or greenhouse structure 200 square feet or less and less than 14 feet in height at peak per property; Decks; Playground equipment / playhouses, swimming pools (both in-ground and above).

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.

NOTICE OF NONCOMPLIANCE: A written document notifying a SSTS owner that the SSTS has been determined to be noncompliant with the requirements of this Ordinance.

OPERATING PERMIT: means the permit issued to the owner of the SSTS that requires an operating permit as described in Section 3.16, and/or Sections 5.06, 5.07, or 5.08 respectively of this Ordinance.

OPEN AIR FEEDLOT LAGOON: A clay or reinforced polypropylene lined, pond-type structure which is open to the air and elements, which is/was designed to capture and contain waste waters or animal waste generated from an animal feedlot, regardless if the animal feedlot is currently in use or not. Open Air Feedlot Lagoon does not include animal feedlot pits.

OTHER ESTABLISHMENTS: Other Establishments, for the purposes of this ordinance, are a list of land uses or activities which are listed in MN Rules, 7081.0130, Table 1 or as amended.

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 (OUTHOUSE): 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.

PUBLIC HEALTH NUISANCE: Means any activity or failure to act that adversely affects the public health.

RECORD DRAWINGS: Synonymous with “As-built or 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 tank(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. The terms domestic waste and domestic sewage are typically used to distinguish between residential and high strength commercial waste.

SHORELAND: Lands located within the following distances from public waters (1) 1,000 feet from the normal high water mark of a lake, pond, or flowage; and (2) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources and the County Board.

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

STATE: The State of Minnesota.

SWF: SWF is an acronym identifying SSTS in Shoreland Areas; Wellhead Protection Areas or SSTS Systems Serving Food, Beverage or Lodging facilities.

SYSTEM ABANDONMENT: A procedural process outlined in MN Rule 7080.2500.

TREATMENT LEVEL: SSTS performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products.

TOILET WASTE TREATMENT DEVICES: means other toilet waste apparatuses including incinerating, composting, biological, chemical, recirculating, or holding toilets or portable toilets and restrooms.

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.

Generally, a TYPE I System is the optimal type of septic system often referred to as a “standard system”.

All new lots created after January 23, 1996, must demonstrate that there are two, a primary and secondary site, locations for a TYPE I septic system available on each lot for development in accordance with MN Rules 7082.0100, Subp 3 F.

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.

Generally TYPE II Systems include systems on lots/parcels with rapidly permeable soils; in floodplains areas; and includes privies or holding tanks. TYPE II Systems shall meet requirements set forth in Minn. Rules, Chapter 7080.2250 and any special requirements of this ordinance.

TYPE III SYSTEM: An ISTS that uses soil to treat sewage but does not meet the size or distribution requirements for a standard 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 III systems shall meet requirements set forth in Minn. Rules, Chapter 7080.2300.

Generally these type of systems may be used on lots or parcels that are too small to accommodate a standard TYPE I system; the soils do not have a minimum of 12 inches of separation to the restrictive layer to accommodate a TYPE I system; or the soils have been compacted, disturbed or have problematic characteristics so the soils are not suitable to sustain a

standard TYPE I system. Sites with problematic soil characteristics or do not have the minimum of 12 inches of soil separation to the restrictive layer may be subject to premature failure in comparison to a standard TYPE I septic systems.

Mower County shall not encourage the use of TYPE III systems for undeveloped sites or new lots.

TYPE IV SYSTEM: An ISTS having an approved pretreatment device and incorporating pressure distribution and dosing. TYPE IV Systems shall meet requirements set forth in Minn. Rules, Chapter 7080.2350.

Generally a TYPE IV system has a pretreatment component which may include aerobic-air introduction into the system; or use of artificial sand filter.

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.

WELLHEAD PROTECTION AREA (WHPA): A WHPA is the Minnesota Department of Health (MDH) approved surface and subsurface area surrounding a public water supply well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field.

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).

1.17 PROHIBITIONS

1. It is unlawful for any person to construct, maintain, occupy or use any building, structure or unit 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 other 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 Sewage with Animal Manure**

Co-mixing of animal manure and domestic sewage in Mower County shall be prohibited with the adoption of this Ordinance.

Mower County, prior to the adoption of this ordinance, allowed co-mixing of animal manure and sewage. When co-mixing of animal manure and sewage occurs, it is required to be land applied in accordance with EPA 40 CFR, Part 503. EPA 40 CFR Part 503 requires land application of the co-mixed product to be treated as sewage sludge and pathogens and vector attraction reduction requirements apply. Record keeping and reporting requirements are equal to those for a Class 1 sludge management facility. Previous ordinance language relating to this issue was (verbatim),

“When co-mixing animal and domestic sewage, land application standards shall comply with domestic sewage application rates in accordance with 40 CFR, Section 503. Records shall be maintained and provided to the Department.”

8. Performance System, Experimental System, New Technology, Drainage-Method System

Any system classified or known as a “Performance System”, “Experimental System”, or “New Technology” which is unproven and does not have MPCA approved design guidance or “Drainage-Method Systems” also known as “Curtain Drain Systems” as found in MPCA Rules are prohibited from new construction in Mower County.

9. **Property owner installation** or repair of SSTS system is prohibited in Mower County.
 - a. Exception shall be made if the property owner is installing a holding tank for which a permit has been granted. To obtain a permit; an application must be accompanied by a design completed by licensed designer, meet ordinance standards, and be submitted to the department for review. Construction shall not begin until the issued permit is received by the landowner;
 - i. Exception shall be made if the property owner 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 SSTS installer for which a permit has been granted.
 - ii. Exception shall be made if the property owner 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 3.02.
10. **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 identify all Class V injection wells in property transfer disclosures.

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SUBDIVISION 2 ADMINISTRATION

2.01 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 a shared SSTS onsite or group of SSTS that crosses or lies upon commonly owned parcel lines for those landowners who exclusively receive benefit from the SSTS; a variance is not required for setback from the common property line(s) if benefitting landowners provide a written and notarized easement agreement which is recorded with the Mower County Recorder. This setback waiver is only subject to those landowners and their heirs, assigns, and successors who are benefitting and sharing a single drain field which is shared or a community SSTS.
3. For dwellings including apartments, townhouses, resort units, rental cabins, campgrounds, 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.
4. 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.
5. 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.

2.02 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: To review all applications for SSTS.
2. To approve and issue permits that meet applicable requirements of this Ordinance following application review.
3. To inspect work in progress and to perform the necessary measures to determine its compliance with this Ordinance.
4. To investigate complaints regarding SSTS and septage disposal.
5. To perform compliance inspections on new systems.
6. To issue Certificates of Compliance or Notices of Noncompliance where appropriate in accordance with this Ordinance.

7. To issue Stop Work Orders (Cease and Desist) and Notices of Violation, pursuant to this Ordinance.
8. To maintain proper records for SSTS including, but not limited to, complaints regarding noncompliance; compliance inspections; site evaluation records; design records; applications and exhibits; as-built drawings; variance requests; issued permits; Certificates of Compliance; and enforcement proceedings.
9. To submit annual reports to the MPCA to demonstrate enforcement of the local Ordinance in compliance with MN Rules, Chapter 7082.
10. To refer violations of this Ordinance to the Office of the County Attorney.
11. To refer straight-pipe violations to the appropriate MPCA SSTS Field Staff.
12. 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.
13. The Department shall have other duties and responsibilities as designated by the Mower County Board of Commissioners.
14. Public education outreach as identified in Section 1.11

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SUBDIVISION 3 PERMITTING

3.01 PERMITS REQUIRED:

It is unlawful for any person to construct, install, modify, upgrade, replace or operate an SSTS without the appropriate permit from the Department.

The issuance of SSTS permits as requested or issued, shall not be construed to represent a guarantee or warranty of the systems operation or effectiveness. Certificates of Compliance or Notice of Non-compliance signify that the system in question is or has been designed and installed in compliance, or non-compliance, with the provision of these standards and regulations.

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. The issuance of any permit or variance under this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.
2. **PERMIT NOT REQUIRED:** A permit shall not be required for the work identified under Subdivision 3.02 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 of this Ordinance 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. The Department may, on a case-by-case basis, extend a prior issued SSTS permit for a period not to exceed 6 months.
5. **LAND USE DEVELOPMENT/ZONING APPLICATIONS:**

A land use development (i.e. zoning, variance or conditional use) permit shall not be issued unless the SSTS is in compliance with all applicable requirements of this Ordinance specified in Section 4.02 (*Compliance inspection – when required*), as evidenced by a Certificate of Compliance.

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

3.02 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.

3.03 PERMIT APPLICATION REQUIREMENTS

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

1. **Owner information:** Name of property owner; SSTS site address; mailing address of the property owner if different than the SSTS site address; telephone number and email address of the property owner and signature of the property owner.
2. **Property information:** Abbreviated tax description of the SSTS property or the SSTS parcel identification number; Section number, Township name and lot size (in acres).
3. **SSTS designer:** name, designer's state SSTS License number, and designer's phone number.
4. **SSTS installer:** name, installer's state SSTS License number, and installer's phone number.
5. Information required by the Department to ensure compliance with this Ordinance, including but not limited to:
 - a. Depth of well casing
 - b. Distance from SSTS component to well(s) on the property, shared or neighboring properties.
 - c. Type of construction: new or replacement
 - d. Type of SSTS design: Type I, II, III IV, V or holding tank
 - e. Operating permit required: yes/no
 - f. If "yes" operating permit must be submitted with application for review and approval.
 - g. Water use type: Dwelling (class I,II or III), commercial or industrial
 - h. Number of bedrooms SSTS is designed for
 - i. Gallons per day SSTS is designed for
 - j. Water meter included: yes/no
 - k. Septic tank information:

- i. Number of tanks
 - ii. Tank manufacturer
 - iii. Tank model
 - iv. Volume of tank(s)
 - v. Dosing tank volume, stand alone, and if so, tank model
- l. Depth to limiting layer
- m. Distribution media
- n. System type: trench, bed, mound, at grade, pressurized, or gravity
- o. Dimensions of trench system; bed length; mound length
- p. Property owner's signature
- q. SSTS information sheet completed:
 - i. Shoreland overlay area
 - ii. Floodplain area
 - iii. System is supporting what? IE dwelling, campground, commercial business
 - iv. Will the facility have a garbage disposal or ejector pump? y/n
 - v. Bedrooms per each level of home
 - vi. Property owner's signature
6. For new dwelling construction, dwelling modifications, or dwelling additions: layout or blue prints of the interior of the home must be submitted along with a corresponding zoning permit application for review of the zoning permit along with the SSTS application.
7. Applicable permit application fees shall be submitted to the Department along with the permit application, design, and required documents.
8. On lots created after January 23, 1996, the system design shall include the location as provided on a map of the required additional (secondary) soil treatment area, including location of soil borings conducted, description of soils, and soil logs, which can support a standard "Type I" soil treatment system in accordance with MN Rules, Chapter 7082.0600, Subp. 1(B) (5).
9. On existing parcels or lots in Mower County all replacement SSTS designs shall identify a secondary Type I SSTS site location when soils allow for such. If a Type I secondary site is not available the SSTS designer shall note the location of a secondary site and the Type applicable for future use with accompanying soil logs. If there is no other secondary site location available on the property the record should reflect that information.
10. Management Plan as described in MN Rules, Chapter 7082.

11. Business or person that will be applying seed and mulch over soil treatment area as required.
12. Operating permits as required in accordance with Section 3.16, and/or Sections 5.06, 5.07, or 5.08 respectively, of this Ordinance, if applicable.
13. Any other information requested pertinent to the process, as deemed necessary by the Department.

3.04 MAP REQUIREMENTS FOR PERMIT APPLICATION

1. A map drawn to scale with a north arrow. (Preferably drawn on a scale of 1 inch to 20 feet, but not essential at this scale).
2. Horizontal and vertical reference points of soil observations; no less than three (3) reference points for each SSTS site or soil treatment area.
3. 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.
4. Distances to all required setbacks, lot improvements, easements, ordinary high water marks of public waters, property lines or proposed property lines, road right-of-ways, floodplain (when applicable) and percent slope.
5. Location of any unsuitable or disturbed/compacted areas, if known.
6. Access route for tank maintenance.
7. Water supply wells within 100 feet of the proposed SSTS. If water supply wells are further than 100 feet; then it should be notated on the map and whether those exist on this parcel or neighboring parcels or both.
8. Existing and proposed buildings on the parcel or lot.
9. Existing and proposed buried water pipes within 50 feet of the proposed SSTS.
10. All existing and proposed SSTS main components.
11. Location of alternate soil treatment area, with supporting soil information including a soil log.
12. Landscape position and vegetation type.
13. Parcel/lot dimensions.
14. Estimated depth of seasonally saturated soil layer, bedrock or flood evaluation, if appropriate.
15. Proposed elevation of the bottom of the soil treatment system.
16. Final soil sizing factor or linear loading rate.
17. Anticipated construction related issues.
18. Name, address, telephone number, state license number and signature of the individual conducting the site evaluation.

19. Design worksheets as required by the Department
20. Dates of preliminary and field evaluations.

3.05 SOIL OBSERVATIONS

1. Shall be done by an exposed (i.e.: backhoe) pit, hand auguring or probing (Flite augers are not allowed.)
2. Soil observations shall be conducted to a depth of the seasonally saturated layer, bedrock or 3 feet below the bottom of the system.
3. 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 shall be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.
4. 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.
5. In the event percolation tests are conducted, at least two (2) percolation tests shall be performed in the proposed soil treatment area(s).
6. Soils shall not be verified to a restrictive layer after November 1st but may determine 12 inches of acceptable soil during that time to verify if a Type I system is possible at the site. A design shall be allowed to be accepted from this information however soil observation and verification shall still be required in the following spring to determine restrictive layer prior to construction. The design may require modification if spring soil verification does not support the design submitted. Any additional costs for reverification of soils and/or redesign cost shall be borne by the landowner at a rate determined by the County Board.

3.06 SOIL DESCRIPTIONS

A soil description shall be written for each soil observation. Each soil observation shall contain the following.

1. 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).
2. Soil matrix and mottled color described per horizon by the Munsell Soil Color Charts.
3. Soil texture using the USDA soil classifications.
4. Bedrock determined according to 7080.1100, Subp 8.
5. Depth of standing water in the hole measured from the soil surface.
6. Any other soil characteristic which must be classified according to the Soil Survey Manual, United States Department of Agricultural Handbook No 18.
7. Soil logs shall be signed and dated by a professional licensed to perform site evaluations.

3.07 CLEARLY MARKED / STAKED

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

3.08 SEPTIC TANK CAPACITY FOR SINGLE FAMILY DWELLINGS; MULTIPLE FAMILY DWELLINGS; AND OTHER ESTABLISHMENTS

1. SSTS designs for single family dwellings shall be designed to the minimum tank capacity assuming the dwelling will have one or more of the following: a garbage disposal, sewage ejector pump or grinder pump.
 - a. For single family dwellings; this will result in a 50% (minimum) increase to the tank capacity. I.E. a 1000 gallon tank required by Table V 7080.1930 (for a 3-bedroom or less dwelling) will be required to increase the tank size capacity to a minimum of 1500 gallons.
2. Multiple family dwelling units will also be required to increase the minimum tank capacity as if assuming all dwelling units will contain one or more of the following: a garbage disposal, sewage ejector pump or grinder pump.
3. Septic Tank Capacity for Other Establishments – refer to 7080.1930, Subp. 7.

3.09 PERMIT APPLICATION REVIEW AND APPROVAL

1. A qualified employee or qualified agent 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 or the Department's Authorized Agent 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 a change is needed in the already-approved SSTS application, the applicant or the applicant's agent must file an amended application detailing the changed conditions. The design changes must be approved by the Department or the Department's Authorized Agent in writing prior to initiating construction.
4. The issuance of permit or permission for plans, specifications or computations which knowingly or unknowingly violate any provision of this ordinance shall not be construed to be a valid permit. Permits or permission 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 performed 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.

3.10 INCOMPLETE APPLICATION, DENIAL OR VARIANCE REQUIRED

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.

1. **Notice of Denial:** Notice of 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.
2. **Notice of Incomplete Application:** Notice of an incomplete application shall include a list of items required to complete the application and shall be served on the applicant or permittee. The application may be completed, the design may be revised or corrected and all documents may be resubmitted to the Department at any reasonable time for reconsideration.
3. **Notice of Variance required before proceeding with SSTS Permit:** Variances shall follow the procedure outlined in the Mower County Zoning Ordinance and 3.12 of this Ordinance. The SSTS permit cannot be issued until a variance is obtained. If obtained, the variance shall become part of the SSTS record.
4. **Variance to wells and water supply lines:** Variances to wells and water supply lines must be made to the Minnesota Department of Health. The SSTS permit cannot be issued until the variance is obtained. If obtained, documentation of the variance shall be required and becomes part of the SSTS record.

3.11 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 determined to be complete in accordance with MN Statute 15.99 and the County fee is paid.

3.12 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 before a SSTS permit can be issued. Documentation of such variance granted must be submitted to the department and becomes part of the SSTS permit record.

3.13 SATURATED SOIL DISPUTE RESOLUTION

If a documented disagreement arises over the depth of the periodically saturated soil between two licensed businesses, contractors, or a licensed business and a Mower County qualified employee or the Department's Authorized Agent, 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 licensed SSTS designer or Inspector and who is independent of any of the disputing parties, including Mower County. All parties shall live by the decision of the licensed Soil Scientist. Any cost incurred shall be borne by the landowner of the property involved and shall not be the responsibility of Mower County.

3.14 MANAGEMENT PLANS

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

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.

3.15 REQUIREMENTS FOR SYSTEMS NOT OPERATING UNDER A MANAGEMENT PLAN

SSTS that are not operating 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. A copy of the tank inspection form wq-wwists 4-38, dated 10/12/18 or as amended or replaced by the MPCA, is required to be submitted to the Department.

3.16 OPERATING PERMITS

1. **When required:** An Operating Permit shall be required for all owners of new TYPE II holding tanks, Type III SSTS, Type IV SSTS or Type V SSTS systems, MSTs, or any other system that may require operational oversight as determined by the Department.

Sewage shall not be discharged to an SSTS requiring an Operating Permit until the Department certifies that the SSTS was installed in substantial conformance with the approved plans, receives the final as-built drawings and a valid Operating Permit is issued to the owner, as specified in Minnesota Rules, Chapter 7082.0600, Subp. 2.

2. **Within one year of adoption:** Within one year from the enactment of this Ordinance, existing/current owners of Type II holding tanks, Type III, Type IV, or Type V SSTS systems, MSTS, or any other existing systems that may need operational oversight as determined by the Department, or the Department's Authorized Agent shall submit a Permit Application for an Operating Permit to the Department for approval. Once approved, the Operating permit must be followed.
 - a. Type II Holding Tank Operating permits shall require the submittal of a tank inspection form each time the holding tank is pumped. The maintenance provider shall complete MPCA's Sewage Tank Reporting Form (wq-wwists4-38), dated 10/12/18 or as amended or replaced, and the SSTS owner is required to submit that form to the Department within 30 days of the pumping or maintenance of the holding tank. Annual reports are required on or before March 1 from the landowner, if not, Mower County shall notify the landowner of the failure to report and the landowner may be responsible for any fees as determined by the County Board.
3. **Operating Permit Application Requirements:**
 - a. Application for an operating permit shall be made on a form provided by the Department and shall include the following:
 - i. Owner name, mailing address, Email address, and telephone number;
 - ii. SSTS Construction Permit reference number and date of issue;
 - iii. Final as-built drawings of the SSTS;
 - iv. Owners of holding tanks shall provide a copy of the monitoring and disposal contract with a licensed maintenance business in accordance with Section 3.16, and/or Sections 5.06, of this Ordinance;
 - v. Fee as required by the County in accordance with its fee schedule.
 - b. SSTS listed in this Section; existing prior to the effective date of this Ordinance:

Owners of an SSTS Types II thru V, existing prior to the effective date of this Ordinance shall obtain an Operating Permit in accordance with Section 3.16 and/or Sections 5.06, 5.07 or 5.08 respectively:

 - i. Within one (1) year from the effective date of this Ordinance,
 - ii. Upon transfer of ownership, replacement or any modification or expansion that requires a permit; or,
 - iii. Following any SSTS enforcement action as may be required by this Ordinance.
4. **Department Review:** The Department shall review the applicable as-built drawings, operation and maintenance documents, maintenance and service contract and any other relevant documents for accuracy and completeness. If deficiencies are identified, the

Operating Permit shall be denied until the deficiencies are corrected to the satisfaction of the Department. If the submitted documents fulfill the requirements, the Department shall issue the Operating Permit.

5. **Terms and Conditions of an Operating Permit:** An Operating Permit shall include the following as outlined in Minnesota Rules, Part 7082.0600, Subp.2.B; or its successor rule:
 - a. System performance requirements;
 - b. System operating requirements;
 - c. Monitoring locations, procedures and recording requirements;
 - d. Maintenance requirements and schedules;
 - e. Compliance limits and boundaries;
 - f. Reporting requirements;
 - g. Department notification requirements for non-compliant conditions;
 - h. Valid contract between the property owner and a licensed maintenance business;
 - i. Disclosure, location and condition of additional soil treatment and disposal system sites;
 - j. Descriptions of acceptable and prohibited discharges.
6. **Operating Permit Expiration and Renewal:**
 - a. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
7. **Amendments to Existing Operating Permits:** The County may not amend an existing permit to reflect changes in this Ordinance until a permit term has expired and is renewed, unless an amendment is necessary to eliminate an Imminent Threat to Public Health or Safety or an amendment is needed to protect and preserve the existing system from premature failure as outlined in Section 5.07.
8. **Transfer of Operating Permits:** An Operating Permit shall not be transferred. A new owner shall, within 30 days of the property transfer, apply for an Operating Permit in accordance with Section 3.16 of this Ordinance.
9. **Suspension or Revocation:**
 - a. The Department may suspend or revoke an Operating Permit for false statements or misrepresentations of facts on which the Operating Permit was issued.
 - b. Notice of suspension revocation and reasons for revocation shall be conveyed in writing to the property owner.
 - c. If suspended or revoked, the Department may require that the treatment system SSTS be removed from service, operated as a holding tank or abandoned in accordance with Section 5.12 of this Ordinance.

- d. The Department may renew or restore an Operating Permit if the owner takes corrective actions to resolve the conditions leading to suspension or revocation.

10. Compliance Monitoring:

- a. Performance monitoring of a SSTS shall be performed by a licensed service provider hired by the holder of the Operating Permit in accordance with the monitoring frequency and parameters stipulated in the Operating Permit. Licensed inspectors are able to take the results provided by the licensed service provider to determine if the system is in full compliance. Monitoring reports shall be submitted to the Department for review and compliance and become part of the SSTS record for that system.
- b. Monitoring Report Due March 1st Annually: A monitoring report shall be prepared and certified by the licensed service provider. The report shall be submitted to the Department, no later than March 1st of each year, on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and service activities performed since the last compliance monitoring report and shall include:
 - i. Owners name and address and email address;
 - ii. Operating permit number;
 - iii. Average daily flow since last compliance monitoring report;
 - iv. Description of type of maintenance and date performed;
 - v. Description of samples taken (if required), analytical laboratory used and actual results of analyses;
 - vi. Problems noted with the system and actions proposed or taken to correct them;
 - vii. Name, signature, license and license number of licensed professional(s) who performed the work.

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SUBDIVISION 4 COMPLIANCE INSPECTION REQUIREMENTS

4.01 GENERAL REQUIREMENTS

1. **COUNTY'S RESPONSIBILITY:** It is the responsibility of the Department or Department's Authorized Agent to complete compliance inspections for newly constructed or modified SSTS to determine the SSTS was constructed in accordance to MN Rules, the County's Ordinance and the permit as issued. The Department or Department's Authorized Agent may also complete a compliance inspection as a result of discovery, knowledge of or as a result of a complaint which verifies the presence of a failing or surfacing SSTS system.
2. **LANDOWNER'S OR LANDOWNER'S AGENT RESPONSIBILITY:** It is the responsibility of a landowner to contact and contract with an appropriately licensed business or licensed individual, to perform SSTS compliance on the behalf of landowners as needed periodically or regularly, when applicable, to assure that the requirements of this Ordinance are met for existing SSTS systems.
3. **TIMING OF COMPLIANCE INSPECTIONS:** Compliance inspections which require soils review cannot be completed when soils are snow covered, frozen or saturated. In order for septic professionals to identify the subtle variations in the soil profile they need to have the right amount of natural light and the proper soil conditions to complete a compliance inspection. For this reason, soils review for a compliance inspection is, at best difficult, if not impossible, to complete from November 1 until the following April 30th and sometimes, depending on the weather patterns, before and/or beyond those dates. Plan compliance inspections well in advance of these seasonal conditions.
4. **GUARANTEE OR WARRANTY:** Neither the issuance of permits, Certificate of Compliance, or Notice of Non-Compliance, as requested or issued, shall be construed to represent a guarantee or warranty of the systems operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance, or non-compliance, with the provision of these standards and regulations.

4.02 COMPLIANCE INSPECTION – WHEN REQUIRED

Compliance Inspection shall be conducted to determine compliance with Minnesota Rules 7080 or 7081 and this ordinance. SSTS found not to be in compliance with Minnesota Rules, part 7080.1500, subpart 4, or part 7081/0080, subpart 3; or successor rules or this ordinance, shall be repaired or replaced in accordance with this Ordinance or be properly abandoned, when applicable with this Ordinance.

In addition to the above, all compliance inspections shall be conducted upon:

1. **COMPLAINT:** The Department, or the Department's Authorized Agent shall perform a compliance inspection when:
 - a. A discharge of sewage to the land's surface, into a waterbody, wetland, or into any part of a road right-of-way, or into an unpermitted SSTS containment structure (i.e.

- basement, open air feedlot lagoon, etc.) is observed by the Department, or Department's Authorized Agent.
- b. The Department deems it appropriate, for reasons such as, receiving compliant or other information of system non-compliance.
2. **CONSTRUCTION / MODIFICATION TO THE SSTS.** The Department or Department's Authorized Agent shall perform a compliance inspection when:
 - a. A SSTS is newly installed, expanded or portions are replaced which required a SSTS permit.
 3. **PRIOR TO TIME OF PROPERTY TRANSFER.** A property owner shall contact an appropriately licensed SSTS inspector, of their choosing, at their expense, when:
 - a. The SSTS is greater than five (5) years old; or
 - b. A compliance inspection has not been conducted within the past three (3) years on an existing SSTS.
 4. **WHEN OBTAINING LAND USE PERMITS.** A property owner shall contact an appropriately licensed SSTS inspector, of their choosing, at their expense, when there is not a current Certificate of Compliance (COC) on file with Mower County when obtaining land use permits as stipulated below:
 - a. In designated Shoreland Overlay Zoning Districts: Any time a zoning permit is required for any improvement to the property. This includes variances and conditional use permits, but shall exclude land alteration permits.
 - b. In non-Shoreland Overlay Areas: Non-shoreland areas will be subject to a SSTS compliance inspection when the SSTS is 20 years old or greater any time a zoning permit, variance or conditional use permit is required for improvement to or use of the property. Minor Structures that are exempted from Zoning Permit are also exempted from the COC requirement.
 - c. For non-conforming Lot sized parcels: On a non-conforming lot that does not meet the minimum lot size requirement of the zoning ordinance before application for a zoning permit for any improvement to the property. This provision also includes conditional use permits and variance requests.
 - d. There are increases to the number of bedrooms: Any time there is an increase in the number of bedrooms for which the existing septic system was designed for.
 - e. When there is an increase in water use: Any time there is an increase to the amount of water or a change in use which may impact the performance of the system than for what the SSTS was designed to accommodate.

If a compliance inspection cannot be completed for any reason or if the landowner knows the septic system will not pass a compliance inspection, in order to satisfy items (a) thru (e) above, a property owner may choose to establish an escrow account as outlined in Section 4.06 or 4.07, as applicable for the timeframes specified in those sections, in order to obtain a zoning permit to begin construction.

As an alternative; if the landowner knows the system will not pass a compliance inspection, the landowner may obtain a zoning permit to begin construction if they also submit an application for a replacement septic system in compliance with the requirements of this ordinance. Once the septic system permit has been issued the system must be installed within 10 months of the date of septic permit issuance. Once the septic permit is issued; the zoning permit may be reviewed for compliance with the zoning ordinance, and if so compliant; may be issued.

If there is an existing septic system on the property which is not supporting a current or future land use; the septic system shall be abandoned in accordance with this ordinance to obtain a zoning permit.

5. CONSTANT COMPLIANCE-MUNICIPALLY SEWERED AREAS

- a. Municipally sewerred areas of the county, regardless if the area has been annexed or not, must demonstrate constant compliance to continue using an individual or cluster septic system. This will require an inspection performed by a licensed septic inspector, of the landowner's choosing, at the landowner's expense, to remain using an individual or cluster septic system in an area where municipal sewer is available.

Currently affected areas include, but are not limited to, areas of Lansing Township which were annexed into the City of Austin in 2009, 10th Drive SE Austin, 4th Drive SW Austin, Turtle Creek I & II projects in Austin, and Bellman's Addition. *See Map Exhibit A, attached for municipally sewerred areas.*

- b. Holding tanks shall not be allowed to continue use in areas which are municipally sewerred unless specifically allowed by the municipality. The municipality shall notify the county of this exception in writing.

6. RECURRENT COMPLIANCE - OTHER ESTABLISHMENTS (as listed in Table 1 MN Rules 7081.0130)

- a. Other Establishments: Any SSTS supporting "Other Establishments" as listed in MN Rules 7081.0130 shall within one year of adoption of this ordinance and thereafter no less than once every 5 years provide results of a compliance inspection completed by a qualified licensed SSTS inspector to the Department. Any system deemed non-compliant by an inspection must be appropriately upgraded, replaced, abandoned, or if readily available, connected to municipal sewer in accordance with this ordinance.
 - i. No zoning or land use permit (conditional use permit or variance) shall be issued unless there is a current COC on file with the County.

- ii. Exception to item 6, a.: Unless the Other Establishment SSTS has a current operating permit issued by Mower County or the MPCA and that holder of that operating permit is following all requirements, including fees, timely reports, or other documents required, as part of the operating permit which is meant to assure constant compliance.
- iii. Option to item 6, a.: Nothing in this section prohibits an Other Establishment, which may not have been required to function under an Operating Permit at the time of the SSTS installation from completing a compliance inspection, which results in a compliant system, from contracting with a qualified service provider to submit an Operating permit which is acceptable to Mower County. Going forward, the Other Establishment shall function under the terms and conditions of that Operating Permit and this ordinance in lieu of item 6.a. until it is determined that the system has failed and/or becomes non-compliant.

4.03 COMPLIANCE INSPECTION COMPLETED BY THE DEPARTMENT:

1. A compliance Inspection shall be conducted by the Department or the Department's Authorized Agent, 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.
 - a. Exception shall be allowed when protocols under Section 4.10 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.
 - b. Should the protocol under Section 4.10 not be completed, the Department or the Department's Agent may require uncovering of the system to determine compliance. Failure to comply shall result in a Notice of Non-compliance.
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. Additional inspections over and above those defined above, may result in additional costs to the landowner as determined by the County Board.
4. Inspections shall ensure compliance with applicable MN Rules and requirements of this Ordinance. The inspection must be completed on a form provided by the Department. Any corrective action verbally given to an installer at the time of the inspection shall be recorded 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.

4.04 TRANSFER OF PROPERTY – NO COMPLIANCE INSPECTION REQUIRED UNDER THE FOLLOWING CIRCUMSTANCES:

1. 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 affected tract of land does not contain buildings with plumbing, plumbing fixtures, SSTS, or a privy.
 - i. A property which previously contained buildings with plumbing which have been removed or destroyed on or after year 2014 need to have the SSTS or privy properly abandoned by a licensed septic contractor and the abandonment form needs to be completed and on-file with Mower County within 15-calendar days of the abandonment.
 - b. A Contract for Deed that was entered into before August 1, 2004. This exemption applies exclusively to the original vendor and vendee of said contract. This exception only applies to Contract for Deeds which were recorded in the Office of the Mower County Record at the time the contract was entered into.

NOTATIONS: Prior to August 1, 2004, compliance inspections were not required at the time of property transfer in Mower County.

Per Mower County Ordinance in effect after August 1, 2004, but before January 31, 2014, a Contract for Deed which was entered into must provide a Certificate of Compliance at the time the contract for Deed is satisfied. The requirement for compliance inspection at the time of satisfaction only applies to the original vendor and vendee. Any assignment or renewal of the contract must comply with the ordinance in effect at the time of renewal or assignment. This only applies to a Contract for Deed which was dated and recorded in the Office of the Mower County Recorder's Office between those dates.

After January 31, 2014, the (then) adopted ordinance required transfer of property by contract for deed to complete a compliance inspection at the time of execution of the contract. This only applies to a Contract for Deed which was dated and recorded in the Office of the Mower County Recorder's Office.

- c. The existing SSTS was permitted and installed within the past five (5) years; and thus has a current certificate of compliance on file with Mower County on the day of property transfer.
- d. A Certificate of Compliance has been issued for the existing SSTS within the past three (3) years; and thus has a current certificate of compliance on file with Mower County on the day of property transfer.
- e. The existing TYPE IV or V SSTS is functioning under an Operating Permit which is current for reporting, testing by a licensed professional and following specific requirements of the Operating Permit including any applicable fees; and thus is deemed compliant by Mower County through its records on file as determined by Mower County on the day of property transfer. Individual Septic System tanks may still require review to determine they are watertight if it is not part of the licensed professional's regular review.
- f. The transfer is between a married person and his/her spouse or prior spouse due to marital termination (divorce).
- g. Transfer from current owner to a current owner's own individual trust. I.E. John Doe to John Doe Revocable Trust.

- i. This exemption does not include transfer from an individual to a multi-person trust to owners who did not previously exist. I.E. John Doe to John Doe Family Trust.
- h. The transfer occurs due to a tax forfeiture process.
- i. All sewage generated on the property is collected and treated in a municipal wastewater treatment system or a subordinate service district owned and operated by the Township of Lansing.

4.05 COMPLIANCE INSPECTION REQUIREMENTS FOR TRANSFER OF PROPERTY

If the exemptions listed in Section 4.04 do not apply to the property being transferred:

Prior to “Transfer of Property” occurring in Mower County; the property’s SSTS shall be evaluated by a licensed and appropriately qualified SSTS Inspector who performs and completes a Compliance Inspection to determine the system is in compliance or non-compliant.

This inspection shall be completed by a licensed and appropriately qualified inspector for the type of system existing. This inspector shall be of the landowner’s choosing and shall also be at the at the landowner’s (grantor’s/seller’s) expense.

In Mower County, a Certificate of Compliance is required to be submitted to the Department within 15 calendar days of completion of the compliance inspection by the SSTS contractor and before transfer of ownership of the property/title for properties containing or dependent upon an SSTS.

4.06 MAY 1 THRU OCTOBER 31: ESCROW REQUIRED WHEN CERTIFICATE OF COMPLIANCE IS NOT PROVIDED PRIOR TO RECORDING TRANSFER OF PROPERTY OR ISSUANCE OF LAND USE PERMIT.

1. If a grantor(s)/seller(s) or grantor’s/seller’s agent fails to provide a Certificate of Compliance, the grantor(s)/seller(s) or grantor’s/seller’s agent shall provide the grantee(s)/buyer(s) security in the form of an escrow agreement to assure the installation and inspection of a compliant SSTS. Copy of that escrow agreement shall be provided to the Department prior to the transfer of property.
2. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution.
3. The amount escrowed shall be equal to:
 - a. One hundred twenty-five percent (125%) of a written estimate to inspect, design, and install a compliant SSTS provided by a licensed designer and installer; or
 - b. One hundred fifty percent (150%) of the average cost of a mound system, as determined annually by the Department, when a written estimate is not provided by a licensed designer and installer.
 - c. For Land Use Permit applications only; the amount escrowed shall be equal to 10% of a written estimate to install a new SSTS. The escrow account for Land Use Permits is non-refundable if the SSTS is not installed within the timeline specified by Section 4.12 and 4.13.

4. Name of the contracted septic inspector and his/her contact information;
5. Results of a compliance inspection are required to be submitted to the Department within 30 calendar days after the date of property transfer.
6. After a Certificate of Compliance resulting from a compliance inspection has been provided to the Department, the escrow agent shall obtain permission from the Department prior to the release of the escrowed funds.
7. Any SSTS which receives a Notice of Non-compliance after the property is transferred shall require upgrade/replacement within the timeline specified in Section 4.70, 4; but the date shall be calculated from the date the property was transferred; not the date of inspection.
8. After a replacement/upgraded SSTS has been installed within the required timeline specified in Section 4.70, 4, which allows for a Certificate of Compliance to be issued by the County, the escrow agent shall obtain permission from the Department prior to release of the escrowed funds.
 - a. In certain cases when the building(s) being serviced by an SSTS are being removed, have been destroyed or no longer have plumbing or plumbing fixtures; and for dwellings that will no longer be habitable and the water source to the dwelling is permanently disconnected: the system may be properly abandoned by a licensed septic contractor. An abandonment form shall be completed, signed and submitted to Mower County within 15-days of the date of abandonment and prior to the transfer of property.

Failure to do so will be subject to enforcement action in accordance with this Ordinance.

4.07 NOVEMBER 1 THRU APRIL 30: ESCROW REQUIRED WHEN PROPERTY TRANSFERS OR LAND USE PERMIT IS REQUESTED DURING FROZEN SOILS.

1. All property transfers subject to this Section between November 1st and April 30, when an SSTS compliance inspection is not possible due to frozen soil conditions, shall require an escrow agreement to assure the inspection and installation of a compliant SSTS.
2. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution.
3. The amount escrowed shall be equal to:
 - a. One hundred twenty-five percent (125%) of a written estimate to inspect, design, and install a compliant SSTS provided by a licensed designer, and installer or
 - b. One hundred fifty percent (150%) of the average mound system, as determined annually by the Department, when a written estimate is not provided by a licensed designer, and installer.
 - c. For Land Use Permit applications only (during frozen soils); the amount escrowed shall be determined annually by the Mower County Board of Commissioners. The escrow account for Land Use Permits is non-refundable if the SSTS is not inspected by July 1st, and if the system is not then installed within the timeline specified by Section 4.12 and 4.13.

4. Name of the contracted septic inspector and his/her contact information;
5. A compliance inspection shall be completed no later than the immediate following June 1st by a licensed inspector. If upon inspection the SSTS is determined to be compliant, the Department shall provide the escrow agent a copy of the Certificate of Compliance to release the escrow funds.
6. Any SSTS which receives a Notice of Non-compliance after the property is transferred shall require upgrade/replacement within the timeline specified in Section 4.13 but the date shall be calculated from the date the property was transferred; not the date of inspection.
7. After a replacement/upgraded SSTS has been installed, within the required timeline specified in Section 4.13, which allows for a Certificate of Compliance to be issued by the County or the County's Authorized Agent, the escrow agent shall obtain permission from the Department prior to release of the escrowed funds.

Failure to do so will be subject to enforcement action in accordance with this Ordinance.

4.08 FORGOING COMPLIANCE INSPECTION: ALL PARTIES/PERSONS INVOLVED IN TRANSFER OR PROPERTY AGREES SYSTEM IS NOT COMPLIANT.

One of the two following options shall apply: A or B:

A. SSTS REPLACED BEFORE PROPERTY IS TRANSFERRED:

1. In situations when it is agreed upon in writing between the seller/grantor, and grantee/buyer that the existing SSTS is failing, and that such system will be brought into compliance prior to transfer of property, the Department may, on a case by case basis, waive the requirement for a compliance inspection to be performed. This agreement shall be in writing and shall be signed by all parties, before a notary public. A copy of this agreement shall be provided to the Department.
2. In all such cases, such waiver shall only be contingent upon that grantor(s)/seller(s) bringing the SSTS into compliance not later than 10 months from the date that the Department granted that waiver for a compliance inspection and the replacement SSTS is completed prior to the transfer of the property title.

Failure to do so will be subject to enforcement action in accordance with this Ordinance.

B. SSTS TO BE REPLACED AFTER PROPERTY IS TRANSFERRED:

1. In situations when it is agreed upon in writing between the grantor(s)/seller(s) and grantee(s)/buyer(s) that the existing SSTS is failing; the Department may, on a case-by-case basis waive the requirements for a compliance inspection to be performed. This agreement shall be in writing and shall be signed by all parties before a notary public. A copy of this agreement shall be provided to the Department.
2. In all such cases such waiver shall only be contingent upon the (grantor(s)/seller(s) bringing the SSTS into compliance no later than 10 months from the date of the property transfer.
3. The amount escrowed shall be equal to:

- a. One hundred twenty-five percent (125%) of a written estimate to design and install a compliant SSTS provided by a licensed designer, and installer; or
- b. One hundred fifty percent (150%) of the average mound system, as determined annually by the Department, when a written estimate is not provided by a licensed designer, and installer.
- c. The security shall be placed in an escrow with a licensed real estate closer, attorney-at-law, or federal or state chartered financial institution.
- d. After a Certificate of compliance resulting from a compliance inspection of the new system has been issued by the Department, or the Department's Authorized Agent, the escrow agent shall obtain permission from the Department prior to the release of the escrowed funds.

Failure to do so will be subject to enforcement action in accordance with this Ordinance.

The following applies to both items A & B:

The grantor(s)/seller(s) shall be responsible for all costs associated with the Compliance Inspection.

All costs associated to correct a failing SSTS shall be the responsibility of the seller(s)/grantor, or as otherwise provided for in written agreement, along with the evidence of escrow, agreed upon between the grantor(s)/seller(s) and the grantee(s)/buyer(s). This agreement shall be in writing and shall be signed by all parties before a notary public. A copy of this agreement shall be provided to the Department.

4.09 COMPLIANCE INSPECTIONS AND CERTIFICATES OF COMPLIANCE FOR ZONING PERMIT APPLICATIONS AND ALL OTHER LAND USE DEVELOPMENT APPLICATIONS

1. The landowner(s) shall be the responsible party for obtaining and submitting a Certificate of Compliance for an existing SSTS when applying for a conditional use permit, zoning permit or variance. This requirement does not apply to Minor Structures subject to Zoning Review. This requirement does not apply to an application for a land alteration permit in a shoreland overlay area.
2. A Certificate of Compliance, septic permit, or proof of Escrow Account, as required in Section 4.06 or 4.07, as applicable to the time of year, shall be received by the Department before a zoning permit, conditional use permit, or variance is accepted by the Department for processing.
3. If the existing SSTS is non-compliant, or if the existing system is inadequately designed for the proposed use being requested by a zoning, conditional use permit or variance; repair, upgrade or replacement of the SSTS shall be required. *See also #4 next.*
4. When requesting a zoning permit for structures or conditional use permit for which a SSTS is supporting is being repaired, replaced or upgraded; the SSTS application, including the design and/or any other documents required by the Department, shall be submitted along with the zoning permit application.

5. When intending to use the existing septic system; documentation verifying that the existing SSTS is adequately sized and currently compliant shall be submitted to the Department before a zoning or conditional use permit can be processed or issued for any: addition or modification which provides for additional bedrooms; a newly constructed replacement dwelling or new or used relocated dwelling is situated on the property; or if there is an overall increase in water use of any land use activity.

4.10 DEPARTMENT INSPECTION NOTIFICATIONS AND PROTOCOL

1. NOTIFICATION

- a. It shall be the duty of the permittee, or their agent, to notify the Department, or the Department's Agent, no less than twenty-four (24) hours prior to the requested inspection: in person, by telephone or in writing between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday on regular business days. 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 or the Department's agent 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 or the Department's Authorized Agent. All conditions regarding notification for inspections apply as described in this Section.
- b. The equipment and supporting labor necessary for the inspection shall be furnished by the SSTS licensee or permittee.
- c. When required by the Department or Department's Authorized Agent, sewage tank(s) must be tested for water-tightness by a method approved by the Department or Department's Authorized Agent.
- d. If any SSTS component is covered before being inspected and approved by the Department, or Department's Authorized Agent it shall be uncovered upon the direction of the Department or Department's Authorized Agent, if deemed necessary.
- e. If the installation occurs during non-business hours such as weekend, holidays or for any reason the inspector is not available to complete the inspection when proper notification has been provided as required earlier in this Section or the Department or the Department's Authorized Agent does not appear for a prior arranged inspection within one-half (1/2) hour of the scheduled inspection time, the SSTS licensee may

complete the installation. The SSTS licensee shall file an as-built drawing on a Department approved inspection form.

- f. The as-built drawing shall be submitted to the Department within fifteen (15) calendar days of the SSTS installation.
- g. 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. Photographs and/or video become part of the Department's record and shall not be returned to the SSTS licensee or applicant.

Photographs or video shall (at a minimum) include all of the following:

- uncovered tank with all risers
 - scarification for mound or at-grade
 - trenches before and after material in place
 - At-grade SSTS: rock and pipe, including measured depth
 - Mound SSTS: sand bed at final grade, including measured depth
 - Rock, chambers, or EZ Flow with fabric and pipe installed
 - Pump line, if used
- h. The SSTS licensee agrees to indemnify and hold Mower County harmless from all loss, damages, costs, charges that may be incurred by the County because of the SSTS licensee's failure to comply with the applicable requirements of this Ordinance.

3. PROCESSING AND REVIEW OF THE DEPARTMENT

Following the submittal of the abandonment form (when applicable), the as-built drawing and/or any other required documents, the Department or the Department's Authorized Agent will review the documents to determine the record is complete and shall issue either a Certificate of Compliance or Notice of Noncompliance.

- a. A Certificate of Compliance for new SSTS Construction or replacement shall be issued by the Department or the Department's Authorized Agent if the Department or the Department's Authorized Agent has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
- b. Seeding and mulching of the soil treatment area shall be completed before issuance of a Certificate of Compliance. This requirement is important to keep the newly installed SSTS insulated; it prevents winter freeze up.
 - i. The County may require dormant seeding and a mulch cover when newly installed SSTS occurs late in the fall when adequate vegetation cannot be established.
- c. The Certificate of Compliance must include a certified statement by the licensed inspector or qualified employee who conducted the inspection that the SSTS is in compliance with the Ordinance requirements.
- d. 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.

- e. 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.

4.11 PRIVATELY CONTRACTED INSPECTION REQUIREMENTS

- 1 A Compliance Inspection shall be completed by a private, state licensed “Inspector,” “Intermediate/Advanced Inspector”, in accordance with MN Rules 7080 or 7081 as applicable.
- 2 A Certificate of Compliance or Notice of Noncompliance shall be prepared by the qualified employee or “Inspector,” or when applicable, “Intermediate/Advanced Inspector”.
- 3 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) calendar days following a Compliance Inspection.
- 4 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.
- 5 Along with a Certificate of Compliance, the septic tank(s) or holding tank shall be pumped as part of a compliance inspection.
- 6 The septic or holding tank(s) must be pumped by a State licensed Maintainer.
- 7 The maintainer shall pump the septic tank(s) or holding tank(s) through the maintenance access and check the following:
 - a. The capacity of the tank(s) in gallons;
 - b. That the tank(s) is/are watertight and not leaking on the date of pumping in accordance with MPCA standards;
 - c. The presence and condition of inlet and outlet baffles;
 - d. That the maintenance access is within twelve (12) inches of ground surface or tanks installed before the effective date of the previous ordinance dated: February 4, 2014;
 - e. That the maintenance access is currently at or above the ground surface for tanks installed after the prior adopted Ordinance dated: February 4, 2014.
8. If the Maintainer determines that the tank is not watertight in accordance with MPCA standards, then the tank shall be considered failing to protect groundwater.
9. Baffles shall be intact or otherwise repaired or replaced and documentation submitted to the Department.
10. 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.
11. A Certificate of Compliance for an existing SSTS is valid for three (3) years from the date of issuance unless the Department or the Department’s Authorized Agent finds evidence of system failure or presence of an imminent health threat.

12. Existing Systems: All existing systems:

- a. Built before April 1, 1996, which 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.
- b. Built after March 2, 1996, shall have three foot of vertical separation. (*see item (c) below:
- c. *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.

4.12 NOTICE OF NONCOMPLIANCE:

A Notice of Noncompliance shall be issued and state which portion of the SSTS is/are non-complying.

Copies of the Notice of Noncompliance shall be provided to the property owner and the Department within fifteen (15) calendar days.

Properties that receive a Notice of Noncompliance that lie within municipal boundaries and where city sewer services are available shall take measures to connect to municipal sewer services and to properly abandon their existing non-compliant SSTS within the time required as provided in this Section 4.13. Relief from connecting to the municipal services may be allowed by the Department if the property owner provides a formal letter from the municipality to the Department that states specific reasons that municipal connection to city sewer services is not available or due to specific issues relating to the municipality cannot be accomplished within the required compliance deadline. This relief shall not be granted to the landowner for issues caused by or related to his/her own actions/or inactions to connect to the municipality when the municipal services are available and accessible within the required time period.

4.13 TIMELINES WHEN RECEIVING A NOTICE OF NON-COMPLIANCE:

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 for reason of failure to protect groundwater; the SSTS shall be abandoned, upgraded, replaced, or repaired in compliance with Minnesota Rules Chapter 7080 and this ordinance, as applicable within 18 months 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 a Public Health Nuisance shall be required within 10 days as obligatory under MN Statutes Chapter 145A.04, Subd 8 or as amended.

5.01 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.

5.02 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.

5.03 ADDITIONAL SOIL TREATMENT AREA REQUIREMENTS

All new lots created after January 23, 1996, shall demonstrate through soil borings, there is a primary and secondary soil treatment area which can support a (standard) TYPE I soil treatment system.

The landowner is responsible for preserving the suitability of the primary and secondary (alternate) site or use as an SSTS soil treatment area in the future.

TYPE III systems shall not be allowed, and shall be prohibited for newly created and/or undeveloped lots.

5.04 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.

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.

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.

5.05 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.

5.06 HOLDING TANKS

1. Owners of holding tanks shall also comply with requirements set forth in Section 3.16 (Operating Permits) of this Ordinance.
2. The installation of a Holding Tank shall occur only in accordance with Minnesota Rules, part 7080.2290; or its successor rules, and the following additional provisions:
3. 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.
4. Holding tanks as an alternative for existing dwellings may only be allowed on a permanent basis if it is determined by a licensed designer and the Department that another SSTS permitted under this Ordinance is not feasible. Owners of holding tanks shall also comply with requirements set forth in Section 3.16 (Operating Permits) of this Ordinance
5. Holding tanks for new dwelling construction shall be prohibited.
6. 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.
7. 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 oneself as allowed in MN Rule 7083.0700 (D). The owner shall provide to the Department county pumping frequency and volume and file documentation on a form provided by the County, within thirty (30) calendar days of the pumping occurrence. Reporting shall be required no less than, annually, and due to the County on or before March 1 annually. All septage shall be disposed of as required in Subdivision 6.
8. Notification of termination or change in the pumping disposal contract and/or monitoring plan shall be submitted to the Department within thirty calendar (30) days by the permittee or the Maintainer.
9. The installation of a holding tank shall include a warning light, audible alarm and a remote water level sensor. Any alarm system or warning light shall identify when the holding tank is at 75 percent capacity. The Department or the Department's Authorized Agent shall be notified, preferably via automation whenever possible, when the remote water level sensor is activated. Any deliberate deactivation of any of these devices is a violation of this ordinance.

10. All tanks used as holding tanks must be tested for water tightness.
11. All Owners/operators of holding tanks are required to submit an application for an Operating Permit as required in Section 3.16 of this Ordinance.

5.07 TYPE III SYSTEMS:

1. Type III Septic systems must meet the requirements of MN Rules 7080.2300. Mower County requires an Operating permit and annual reporting requirements to maintain compliance of a TYPE III system. An Operating permit shall be issued by the Department or the Department's Agent. The landowner is responsible for annual reporting and any fees established by the County for a TYPE III septic system.
2. A TYPE III septic system shall require the following:
3. A water meter shall be installed which measures wastewater gallons being sent through the septic system. Records must be kept monthly by the landowner and submitted annually to the county as determined by the Operating Permit to make sure the water use capacity is not exceeded for which the system was designed. If the landowner or the landowner's agent identifies gallon usage above and beyond which the system was designed for they shall contact their septic contractor and the Department immediately. Excessive water use may prematurely damage the system. Preventative measures may need to be taken to preserve and protect the system should this occur and the Operating Permit may need to be modified to reflect additional requirements;
4. Inspection pipes must be inspected twice annually in May and October. The landowner or landowner's agent shall record water levels present, if any, in the seepage bed. If there is measurable water in the drainfield preventative measures may need to be taken to preserve and protect the system. The landowner or the landowner's agent shall contact their septic system contractor and Department immediately. Should this occur, the Operating Permit may need to be modified to reflect additional requirements to protect and preserve the septic system;
5. The landowner or the landowner's agent shall regularly inspect for seepage or ponding in and/or immediately around the drainfield area. Should excessive wetness, seepage, ponding or drainage be present; the landowner or landowner's agent shall immediately contact their septic contractor and the Department to determine the cause for this and determine what measures is necessary to correct this matter. Should this occur, the Operating Permit may need to be modified to reflect additional requirements to preserve and/or protect the system;
6. The septic tank maintainer (pumper) shall notify the landowner or the landowner's agent if there are any unusual circumstances or signs excessive trash, or component failure found regarding the septic tank when pumping it. The landowner shall report these incidents to the Department as part of their annual report and what measure have been made to mitigate the matter. Should this occur, the Operating Permit may need to be modified to reflect additional requirements to protect and preserve the system;
7. If the system contains an effluent filter it shall be maintained to the frequency listed in the Operating Permit. The landowner or the landowner's agent shall record the dates of maintenance and provide that to the Department in the annual report;

8. Any other requirements of the Operating Permit shall be adhered to and reported and/or recorded to the annual report to the Department.
9. The following five statements shall become a default condition of any TYPE III septic system and shall be recorded in the Office of the Mower County Recorder, at the landowner's expense. These five statements shall be recorded to the title of any property which will have or has a TYPE III septic system. The form for recording which will have portions of the document that need to be completed by the landowner shall be provided by Mower County;
 - a. With the granting of this permit for a TYPE III septic system; the owner(s), future owners, heirs and assigns are put on notice that the soils on this site cannot sustain a standard (Type I) septic system. This septic system allowed and prescribed for this parcel/building site will be or is a Type III septic system which will be utilized to sustain the (existing) use of the property for human habitation or other land use supported by this septic system unless another type of system is deemed acceptable by the County and/or State of Minnesota. Primary and secondary septic system sites have been identified and must be protected and preserved for sustainability of this parcel.
 - b. Owners, heirs and assigns, are hereby put on notice that Type III septic systems require additional monitoring and regular maintenance to retain compliance with State & County Rules/Ordinances; to sustain the useful life of the system and also to prevent premature failure of the system. Additional monitoring and reporting to the county shall be required annually or more frequently as determined in the Operating permit. There may be additional maintenance and/or costs incurred to the homeowner to sustain this type of system over and above a standard, Type I septic system.
 - c. This site has been evaluated and did not contain soils appropriate for construction of a standard Type I septic system. However, this site currently contains an existing, viable, habitable dwelling structure or land use, which without the use of a Type III system would either render the existing dwelling/building site useless or be left with its only remaining option to utilize a holding tank as a means of sewage treatment. Holding tanks which sustain dwellings and some land uses are cost prohibitive to maintain.
 - d. The owner, when selling, transferring or parting with this property which contains, or will contain, a Type III septic system, shall disclose to the future owner(s), the additional requirements for maintenance and typical costs associated for maintaining this type of system to keep it in compliance. Failure to do maintain the system in accordance with the operating permit may damage the system or precipitate its premature failure and need for replacement.
 - e. Mower County, by granting of this TYPE III system, shall not be held liable for premature system failure.

5.08 TYPE IV SYSTEMS:

1. Type IV systems shall be allowed for high strength waste;
2. Type IV systems for existing dwellings may be allowed by the Department where it is determined that a Type I system cannot be installed on the property.
3. Type IV systems for existing developed parcels may be allowed by the Department as a modification to an existing septic system so as to preserve and protect the parcel's only secondary site when it is deemed there is no other location to allow for future septic system placement. The sole secondary site shall be protected by the landowner from development, compaction, excavation or other damage which would render the secondary site useless for a replacement septic system.
4. Type IV systems are not allowed on newly created lots for residential use.
5. Type IV system owners shall continually retain a contracted (MN licensed) Service Provider who will be providing maintenance and services specified in the operating permit in compliance with MN Rules 7080 or 7081. A copy of the current and most recent contract shall be placed on file with the Public Works Office. The landowner is responsible for annual reporting and any fees established by the County for a TYPE IV septic system.
6. Operating permits are not transferrable from landowner to landowner;
7. Type IV systems may be subject to an annual fee for operating permit;
8. Type IV systems shall meet the requirements of MN Rules 7080.2350.
9. All other requests for Type IV systems shall be subject to a variance request and the criterion established by Statute for granting of variances.

5.09 TYPE V SYSTEMS:

A Type V SSTS is a SSTS designed by a Professional Engineer that does not meet the prescriptive designs for Types I-IV. Type V SSTS must meet the public health and safety standards of 7080.1500 and shall be managed by an Operating Permit as determined by the Professional Engineer and Mower County. The landowner is responsible for annual reporting and any fees established by the County for a TYPE V septic system.

5.10 ADDITIONAL SEPARATION DISTANCES

1. The separation distance from an SSTS to a Type 3, 4, 5 or Type 6 wetland shall be seventy-five (75) feet.
2. The separation distance to artificial drainage ditches and intermittent streams shall be seventy-five (75) feet.
3. In accordance with the Minnesota Pollution Control Agency's policy on utilizing artificial drainage methods: #4.04, dated June 2009, the separation distance to a "Drainage Method" as defined in this Ordinance such as, but not limited to, French

Drain or Curtain Drain shall be no less than 10 feet from the upslope of the soil treatment area and shall not be located downslope of the soil treatment area.

4. 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.
5. The separation distances from SSTS to designated rivers and streams are identified in the Mower County Zoning Ordinance under Shoreland Management Ordinance District.

5.11 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 (or holding 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.

The Department will accept septic tank pumping records from homeowners or septic maintainers and keep them on file with other septic records although this is currently not a requirement of the State or the County. NOTE: Holding tank pumping records are required under Section 5.60.

5.12 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 fifteen (15) calendar days of abandonment.

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SUBDIVISION 6: PROPER TREATMENT AND DISPOSAL

6.01 STANDARDS FOR SEPTAGE TREATMENT AND DISPOSAL.

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.

6.02 REQUIREMENTS FOR LAND APPLICATION SITES

General

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

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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 water table 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 water table 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.			

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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.				

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4. CROP, GRAZING OR FOOD PRODUCTION RESTRICTIONS

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

Restriction Reference	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.

<p>Option 1 Site Restrictions</p>	<p>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.</p>
<p>Option 2 Lime Stabilization with Site Restrictions</p>	<p>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.</p>

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-hour 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 ware 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 cannot occur unless measures are taken that allow septage to be applied evenly over the application area.

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6.03 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

7.01 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.

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SUBDIVISION 8: ENFORCEMENT AND PENALTIES

General Requirements

8.01 Regulations

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

8.02 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.

8.03 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.

8.04 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.

8.05 INTERFERENCE PROHIBITED

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

8.06 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.

8.07 NOTICES OF VIOLATIONS

For violations of this Ordinance, the County may take any of the actions provided for in this Section; these actions shall not be deemed cumulative and the County may use any or all of the actions in its discretion.

1. **Cause to Issue a Notice of Violation (NOV).** 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 (NOV).** 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 are not completed.
3. **Issuance of Citations.** Any person within the County who violates this Ordinance, or shall permit such a violation to exist on the premises under their control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. The County, MPCA, Law Enforcement Officers, or their designees, may issue citations for violations of this Ordinance. The citation shall be issued to the person charged with the violation.

4. **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.

8.08 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 business 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 has 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 business 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.

8.09 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 business 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 business days, exclusive of day of service, file a written request for a hearing pursuant to the Mower County Zoning Ordinance.

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SUBDIVISION 9: ORDINANCE REPEAL, ADOPTION AND EFFECTIVE DATE

9.01 ORDINANCE REPEALED

The Mower County Sewage Treatment System Ordinance 01-14, adopted January 28, 2014, and any amendments thereto is repealed in its entirety and replaced by this adopted ordinance.

9.02 ADOPTION

This Mower County Subsurface Sewage Treatment System Ordinance shall be in full-force and effect on and after adoption by the Mower County Board of Commissioners upon publication pursuant to law.

ATTEST

MOWER COUNTY, MINNESOTA

Clerk of Mower County Board of Commissioners

Polly Glynn, Chairperson,

Date

Date