

# RED LAKE COUNTY

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## SEPTIC (SSTS) ORDINANCE

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**1/7/2014**

This ordinance adopts the 2006 rules by reference as well as certain portions of the 2011 Rules. Red Lake County also references their Alternative Local Standards. This ordinance is a collective effort with assistance from the MPCA, Marshall County and Pennington County.

# Table of Contents

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<b>SUBDIVISION 1 GENERAL PROVISIONS</b> .....	<b>1</b>
1.10 PURPOSE .....	1
1.20 OBJECTIVES .....	1
1.30 SCOPE .....	2
<b>SUBDIVISION 2 ADMINISTRATION</b> .....	<b>2</b>
2.10 STANDARDS ADOPTED BY REFERENCE .....	2
2.20 ADMINISTRATION BY STATE AGENCIES .....	2
2.30 ADMINISTRATION BY RED LAKE COUNTY .....	3
2.40 DEFINITIONS .....	4
<b>SUBDIVISION 3 PERMITTING</b> .....	<b>6</b>
3.10 PERMITS REQUIRED .....	6
3.20 PERMITS NOT REQUIRED .....	7
3.30 PERMIT APPLICATION REQUIREMENTS .....	7
3.40 FEES .....	8
3.50 VARIANCES .....	8
<b>SUBDIVISION 4 SITE SELECTION</b> .....	<b>8</b>
4.10 SITE SUITABILITY FOR REPAIR, REPLACEMENT, EXTENSION OR INSTALLATION OF A SSTS .....	8
4.20 LOCAL STANDARDS .....	8
4.30 HOLDING TANKS .....	9
4.40 SSTS LOCATED IN THE FLOODPLAIN .....	10
4.50 CLASS V INJECTION WELLS .....	10
4.60 2011 MN RULES INCLUDED IN THIS ORDINANCE .....	10
<b>SUBDIVISION 5 INSPECTION REQUIREMENTS</b> .....	<b>11</b>
5.10 GENERAL REQUIREMENTS .....	11
5.20 INSPECTION REQUIREMENTS FOR NEW SYSTEMS .....	11
5.30 INSPECTION REQUIREMENTS FOR EXISTING SYSTEMS .....	11
5.40 NOTICE OF VIOLATIONS .....	15
<b>SUBDIVISION 6 HEALTH AND ENVIRONMENTAL PROTECTION</b> .....	<b>16</b>
6.10 ADDITIONAL STANDARDS .....	16
6.20 SEPTAGE DISPOSAL AND TREATMENT .....	17
<b>SUBDIVISION 7 LICENSING REQUIREMENTS</b> .....	<b>17</b>
7.10 SITE EVALUATORS, DESIGNERS, INSTALLERS, INSPECTORS, AND MAINTAINERS .....	17
7.20 LICENSE EXEMPTION .....	17
<b>SUBDIVISION 8 ENFORCEMENT AND REGULATION</b> .....	<b>18</b>
8.10 ENFORCEMENT .....	18
<b>SECTION 9 ORDINANCE ADOPTION</b> .....	<b>19</b>

# RED LAKE COUNTY

## SEWAGE AND WASTEWATER TREATMENT ORDINANCE

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### **SUBDIVISION 1 GENERAL PROVISIONS**

#### **1.10 PURPOSE**

The purpose of the sewage and wastewater treatment ordinance shall be to provide minimum standards for the regulation of subsurface sewage treatment systems (SSTS) and septage disposal; including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and underground water from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under MN Statutes, Section 115.55; MN Statutes, Sections 145A.01 through 145A.08; MN Statutes, Section 375.51; or successor statutes, MN Rules 2006, Chapter 7080, and elements of 2011 Rules from Chapters 7080, 7081, 7082 and 7083 or successor rules and to local standards amending state law pertaining to sewage and wastewater treatment.

#### **1.20 OBJECTIVES**

The principal objectives of this section shall include the following:

**1.21** The protection of Red Lake County's ponds, wetlands, rivers and streams and supplies of underground water 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.

**1.22** Given the extensive resources and numerous supplies of surface water and underground water and their susceptibility to contamination, regulation of proper SSTS construction, reconstruction, repair and maintenance and proper septage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and underground water.

**1.23** The provision of establishing minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.

**1.24** The prevention and control of water-borne disease, underground water related hazards, public nuisance conditions through plan reviews, inspections and complaint investigation, as well as through technical assistance and education.

**1.25** Provide rules, regulations, enforcement, and design standards for all areas of the County covered by this ordinance. Specifically those areas which are not in a designated Shoreland/Flood plain area, a well head protection area or a business otherwise regulated by stricter state standards.

### **1.30 SCOPE**

All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, inspected and maintained in accordance with the provisions of this Ordinance or by a sewage treatment system that has been permitted by the MPCA.

## **SUBDIVISION 2 ADMINISTRATION**

### **2.10 STANDARDS ADOPTED BY REFERENCE**

This Ordinance hereby adopts by reference the 2006 MN Rules, Chapter 7080 as the alternative local standards for new and replacement residential systems with a flow of less than 2500 gallons per day. The County hereby adopts by reference the 2011 MN Rules, chapters 7080 and 7081 for new and replacement systems using greater than 2500 gallons per day. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with MN Statute 115.55.

### **2.20 ADMINISTRATION BY STATE AGENCIES**

**2.21** For SSTS, or group of systems that are located on adjacent properties and under single ownership, the owner or owners shall make an application for and obtain a State Disposal System Permit from the Minnesota Pollution control Agency if the SSTS or group of systems are designed to treat an average flow greater than 10,000 gallons per day.

**2.22** For dwellings including apartments, townhouses, resort units, rental cabins and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a State Disposal System Permit.

**2.23** 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 and require approval by the State of Minnesota.

**2.24** Any SSTS requiring approval by the State of Minnesota shall also comply with all local codes and this section.

**2.25** Plans and specifications must receive appropriate State and Local approval before construction is initiated.

**2.26** This ordinance shall apply only to unsewered areas of Red Lake County. Any areas of the County which are already ordinances through a designated Shoreland/Floodplain area, well head protection area or business licensed through the Minnesota Department of Health shall be governed by the stricter State standards and will not be allowed use of the Ordinance.

### **2.30 ADMINISTRATION BY RED LAKE COUNTY**

The Department shall regulate SSTS and septage disposal in Red Lake County pursuant to this section.

**2.31** The Department shall have the following duties and responsibilities:

- A.** To review all applications for SSTS in unsewered areas of the County;
- B.** To issue all permits required by this Ordinance;
- C.** To investigate complaints regarding SSTS and septage disposal;
- D.** To review Certificates of Compliance or Notices of Non-Compliance where appropriate;
- E.** To issue Stop Work Orders and Notices of Violation, as applicable, pursuant to this section;
- F.** To maintain proper records for SSTS construction, reconstruction, inspection and repair in Red Lake County.

**2.32** Neither the issuance of permits, Certificates of Compliance nor Notices of Non-compliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation, or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

## 2.40 DEFINITIONS

**As-Builts:** Drawings and documentation specifying the final in place location, size and type of all system components. These records identify the results of materials testing and describe the conditions during construction. As-Builts contain a certified statement.

**Bedroom:** Any room used principally for sleeping purposes, and all-purpose room, a study, or a den. A room planned and intended for sleeping.

**Certificate of Compliance:** A document written after a compliance inspection certifying that a system is in compliance with applicable requirements at the time of inspection.

**Compliance Inspection:** Any evaluation, investigation, inspection, or other such process to make conclusions, recommendations, or statements regarding a subsurface sewage treatment system, to reasonably assure a subsurface sewage treatment system is in compliance as specified under part 7080.0060 as amended. Compliance inspections must be conducted by a State licensed inspector or under a license independent of the owner and the installer.

**Department:** The agency or agent designated by Red Lake County that is a qualified employee or licensee.

**Failing System:** At a minimum, a SSTS that fails to protect groundwater. This includes one that discharges sewage to a seepage pit, cesspool, drywell, leaching pit, or other pit; an SSTS with less than the required 2 feet of vertical separation distance as described in the Red Lake County SSTS Ordinance as alternative Local Standards, an SSTS with less than 3 feet of vertical separation when located in the floodplain and SWF, all SSTS built before April 1, 1996, in non-SWF areas must have at least 2 feet of vertical separation as measured outside the area of system influence in an area of similar soil (MN Rules 7080.0060 Subp.3.B.2) and a system not abandoned in accordance with part 7080.0176. The determination of the threat to groundwater for other conditions shall be made by a Qualified Employee or State licensed inspection business.

**Imminent Threat to public Health or Safety (ITPHS):** 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 reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a State licensed inspection business.

**Individual Sewage Treatment Systems (ISTS):** A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal with a design flow of less than 5,000 gallons per day. Individual sewage treatment system includes holding tanks and privies.

**Inspector:** An individual qualified to review proposed plans and inspect SSTS, licensed and registered by the Minnesota Pollution Control Agency.

**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.

**MPCA:** Minnesota Pollution Control Agency.

**MSTS:** A “mid-sized 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.

**Qualified Employee:** A person who conducts site evaluations or designs; installs, maintains, pumps, or inspects subsurface sewage treatment systems as part of employment duties and is registered on the SSTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under Chapter 7080, 7081, 7082, 7083 and has been issued performance restrictions.

**Redoximorphic Features:** A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color. Redoximorphic features also means: a soil matrix color controlled by the presence of ferrous iron.

**Septage:** Solids and liquids removed during periodic maintenance of an SSTS, or solids and liquids which are removed from toilet waste treatment devices or a holding tank.

**Sewage:** Any water-carried domestic waste, exclusive of footing and roof drainage, from any dwelling or structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

**Shoreland/Floodplain Development 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 Shoreland/Floodplain permits such as conditional use permits, amendments to this Ordinance, variances from the provisions of the 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 with associated supporting information and documents, and such other information as required by the Department.

**Soil Treatment System:** A system where sewage effluent is treated and disposed of into the soil by percolation and filtration, and includes trenches, seepage beds, drainfields, at-grade systems, and mound systems.

**SSTS:** Subsurface sewage treatment systems including ISTS and MSTs. Individual Sewage Treatment Systems (ISTS) have a design flow of 5,000 gallons per day or less. Midsized Subsurface Sewage Treatment System (MSTS) have a design flow of 5,000 to 10,000 gallons per day. Systems with a design flow of 10,000 gallons per day or greater will be regulated by the State and section 2.20 of this ordinance.

**SWF:** Shoreland, wellhead protection areas, food, beverage, and lodging establishments.

**Toilet Waste Treatment Devices:** Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets.

## **SUBDIVISION 3 PERMITTING**

### **3.10 PERMITS REQUIRED**

Installation, replacement, alteration, repair, or extension of a SSTS shall not begin without first making an application for a permit and obtaining said permit from the Department for each specific installation, replacement, alteration, repair or extension pursuant to this Ordinance. Such permits are not transferable to another person or place. Such permits shall expire 12 months after date of issuance. A permit shall not be required for the work identified under Subdivision 3.2 of this Ordinance.



**3.11 Posting of Permits:** Permits shall be provided by permittee at the time of inspection upon request of inspector.

**3.12 Operating Permits:** An Operating Permit shall be required of all owners of new holding tanks, Type IV, Type V, and MSTs.

### **3.20 PERMITS NOT REQUIRED**

Permits shall not be required for repair or replacement of pumps, floats or other electrical devices of the pump or baffles in a septic tank.

### **3.30 PERMIT APPLICATION REQUIREMENTS**

**3.31** All applications for an SSTS Permit shall include the following information:

- A.** Name and address of property owner.
- B.** Legal description of the property.
- C.** SSTS designer's name, address, phone number and State SSTS License number (or Department Qualified Employee name and number).
- D.** Site evaluation report on a form as provided by the University of MN. Including soil observations made in exposed pits or by hand augering prior to construction. The depth to periodically saturated soil shall be determined by section 4.10 of this ordinance. The soil boring log with soil verification signatures shall be submitted with the design by the licensed designer to the Department.
- E.** System design with full information including applicable construction information on forms as provided by the State and/or Department.
- F.** Any other information requested pertinent to the Shoreland/Floodplain designated areas.
- G.** On lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard, Type I, soil treatment system.
- H.** Any other pertinent information as required by the Department.

**3.32 Application Review and Approval** If after consideration of the application for a permit, the Department is satisfied that the work contemplated conforms to and complies with provisions of this Ordinance; the department shall issue a written permit granting approval authorizing construction of the system as designed.

**3.33 Incomplete Application Information** If after consideration of the application for a permit, the Department is not satisfied that the work contemplated will conform to or comply with the provisions of this Ordinance; the Department shall deny the application for a permit. Notice of such denial shall be

served on the applicant or permittee. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the Department at any reasonable time for reconsideration.

**3.34 Design Alteration** Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Designer prior to construction.

### **3.40 FEES**

The Red Lake County Board of Commissioners shall establish fees for permits required by this Ordinance. Fees shall be due and payable at the time of permit issuance.

### **3.50 VARIANCES**

An affected property owner requesting a variance from standards in the Shoreland/Floodplain designated areas, must follow the procedures specified in the Red Lake County Shoreland and Floodplain Ordinances. Variances requested for land areas out of the Shoreland/Floodplain designated areas must follow procedures specified in the Minnesota Rules Chapter 7080.0305 Subp.3.

## **SUBDIVISION 4 SITE SELECTION**

### **4.10 SITE SUITABILITY FOR REPAIR, REPLACEMENT, EXTENSION OR INSTALLATION OF A SSTS**

**4.11 Site suitability requirements** For unsaturated soil separation, on-site soil samples shall be taken for observation and referenced to the NRCS Soils Survey, mottling/residual mottling features, redoximorphic features and/or percolation test to determine the distance to the periodically saturated soil and for sizing the system.

**4.12 Soil Dispute Resolution** When a disagreement occurs between SSTS Certified Individuals and a licensed business about the depth of the periodically saturated soil, the disputing parties shall meet at the disputed site to resolve differences. The Department will make the final determination on the depth to periodically saturated soils.

### **4.20 LOCAL STANDARDS**

Site suitability requirements must be met whenever an SSTS is installed replaced, repaired, altered, or extended. (Reference Section 4.10, 4.20, 4.30 and the County soils map).

**4.21 Alternative “Local” Vertical Separation for New and Replacement**

**SSTS** For new “Local” trench, at-grade, and mound systems, a minimum of two feet vertical separation shall be allowed between the bottom of the dispersal system and the periodically saturated soil or bedrock located in areas other than the floodplain and SWF.

**4.22 Existing SSTS Systems** which do not present an imminent public health threat and have at least two feet of vertical separation between the bottom of the soil treatment system and groundwater, as defined by either mottling, residual mottling, redoximorphic features and/or other local standard provisions, are considered working systems and do not require upgrading or alteration.

**4.23 Site Density** Alternative Local Standard systems (trench type) shall not be permitted to exceed one system per acre. All sites to be developed must have room for at least two soil treatment systems and must meet all setbacks stated in the Minnesota Rules, Chapter 7080 and the Red Lake County Shoreland Ordinance. Setback requirements from wells shall meet those established by the Minnesota Department of Health.

**4.24 Natural or Artificial Drainage** A drainage plan will be submitted with the system design materials which show distances to public water or to public and private drainage systems. The plan will specify how rain and excess surface water will be removed from the soil treatment system area. If ditching or tile is used, the locations of said ditches or tile will be designated in the plan. The distance from any ditch or tile to the soil treatment system will not be less than ten feet.

**4.30 HOLDING TANKS**

Holding tanks may be allowed for seasonal single family homes, sensitive sites, parks and other buildings with limited water use under the following conditions:

- A.** The owner shall install a holding tank in accordance with MN Rules Section 7080.0172 subpart 3.
- B.** The owner shall hire a MN licensed Maintainer to pump and haul the holding tank contents to an approved land application site.

- C. Solids must be removed when their accumulation meets the limit described in MN Rules, Chapter 7080.0175. An Operating Plan shall be submitted with permit application, reference 7080.0310 Subpart 6.

#### **4.40 SSTS LOCATED IN THE FLOODPLAIN**

SSTS shall not be located in a floodway and if possible, not within any part of a floodplain. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the bottom of the distribution medium is located at least as high as the 10-year flood elevation and if the requirements in MN Rules, Chapter 7080.0172 are met.

#### **4.50 CLASS V INJECTION WELLS**

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

#### **4.60 2011 MN RULES INCLUDED IN THIS ORDINANCE**

##### **4.61 Vertical Separation Flexibility 15% Flexibility, 7080.1500 Subpart 4D**

reduced vertical separation for existing systems is allowed for SSTS that were designed with at least a three feet of vertical separation distance. The maximum of fifteen percent reduction is only allowed to account for settling of sand or soil, normal variation of measurements, and interpretations of the limited layer conditions. This flexibility is not allowed on SSTS constructed with alternative local standards vertical separation.

**4.62 Registered Products** The use of registered products is required in accordance with MN Rules Chapter 7080.2150.

**4.63 Final Treatment and Dispersal** Soil loading rates shall be determined using MN Rules Chapter 7080.2150 soil sizing tables IX and IXa.

**4.64 Trench and Seepage Bed Design 7080.2210** Pressure distribution is required on seepage beds greater than twelve feet wide.

**4.65 Sewage Tanks** Must meet or exceed the applicable requirements of parts 7080.1910 through 7080.1960 and 7080.1980 through 7080.2020.

**4.66 Distribution of Effluent 7080.2050 Subpart 4J** Pressure distribution pipe cleanouts must be provided to check the system for proper operation and cleaning of plugged perforations. Cleanouts must be accessible from final grade.

## **SUBDIVISION 5 INSPECTION REQUIREMENTS**

### **5.10 GENERAL REQUIREMENTS**

Compliance inspections for construction, replacement, alteration, or repair work on SSTS shall be conducted by a State licensed inspector who is independent of the owner and installer.

### **5.20 INSPECTION REQUIREMENTS FOR NEW SYSTEMS**

The installation and construction of the SSTS shall be in accordance with the permit requirements and application design.

**5.21 Timing of Inspections** If any SSTS component is covered before being inspected by a State licensed inspector, it shall be uncovered upon the direction of the inspector, unless acceptable photograph or video documentation is provided. Inspections shall be conducted at least once during the construction of the SSTS to assure that the system has been constructed per submitted and approved design.

**5.22 Notification for Inspections** A Certificate of Compliance or Notice of Non-compliance shall be prepared by the inspector following an inspection or review of as-built plans and submitted to the Department for all SSTS new construction. A Certificate of Compliance or Notice of Non-Compliance must include a signed statement by the inspector identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules Chapter 7080.0060 and /or the local standard provisions specified in Subdivision 4 of this Ordinance. A copy of the Certificate of Compliance or Notice of Non-compliance shall be provided to the property owner and the Department within 15 days of the compliance inspection.

### **5.30 INSPECTION REQUIREMENTS FOR EXISTING SYSTEMS**

When required under section 5.31, the inspection must be conducted by a State licensed inspector and the results recorded on a form provided by the State. The report must identify the type of SSTS inspected and whether the system is an imminent public health threat, a failing or working system according to Minnesota Rules Chapter 7080.0060 and/or the local standard provisions specified in Subdivision 4 of this ordinance. A copy of the Certificate of Compliance or Notice of Non-compliance

resulting from a compliance inspection shall be provided to the property owner and the Department within 15 days of the inspection.

**5.31 Mandatory Compliance of Existing Systems** A SSTS shall require a compliance inspection when any one of the following conditions occurs:

- A.** In designated Shoreland Management Areas, failing SSTS shall be reconstructed pursuant to Minnesota Rules Chapter 6120, known as “Statewide Standards for Management of Shoreland Areas”.
- B.** At any time the Department deems appropriate such as upon receiving a complaint or other information of system failure.
- C.** Addition of a bedroom on a property, within the designated Shoreland/Floodplain area.
  - 1.** If a request for an additional bedroom or variance is received between November 1 and April 30 the Department may issue a permit or variance immediately with the requirement that a compliance inspection be completed by the following June 1 or at a minimum within twelve months. The applicant must submit a Certificate of Compliance within 15 days of the Compliance Inspection
  - 2.** Compliance inspections finding not less than two feet of separation between the bottom of the soil distribution medium and periodically saturated soil and where an imminent public health threat does not exist are considered working systems and do not need to be replaced or repaired. Not less than three feet of vertical separation in floodplain and SWF areas.
- D.** Transfer of Properties.
  - 1.** Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:
    - a.** A compliance inspection has been performed and a certificate of compliance has been issued by the Department within Three years, on a SSTS that is more than five years old and five years if the SSTS is less than five years old prior to the intended sale or transfer of the property, unless evidence is found identifying an Imminent Threat to Public Health and Safety.

**b.** The compliance inspection must have been performed by a qualified employee of the Department or a licensed inspection business following procedures described in this ordinance.

**c.** The seller of the property must disclose in writing information about the status and location of all known SSTS on the property to the buyer on the form acceptable to the Department.

**d.** If the seller fails to provide a certificate of compliance or the system is non-compliant, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of a complying SSTS. The security shall be placed in escrow with a licensed and certified agent and meet the following criteria:

**1.** The amount escrowed shall be equal to either \$7500.00 or 150% of a written estimate by a licensed and certified installer to install a compliant SSTS, but at no time shall the escrow be less than \$5000.00.

**2.** The agent shall file with the Department at closing a signed statement on a form provided by the Department, or the form's equal, confirming the escrow of such funds. The statement shall be executed by the buyer and the seller and shall establish responsibility for the costs in excess of the escrow amount and to whom excess monies will be refunded following issuance of a Certification of Compliance and notice of release issued by the Department.

**e.** All property conveyances subject to this ordinance occurring during winter conditions (snow cover and or frozen ground), when SSTS compliance cannot be determined, shall require a winter agreement that meets the requirements of D.1 listed above. A compliance inspection must be performed and submitted before the following June 1<sup>st</sup>.

**f.** If upon inspection the SSTS is found to be in compliance, the Department will issue a letter to the escrow agent allowing the funds to be immediately released. If upon inspection the system is found to be non-compliant, the system shall be required to be upgraded according to Minnesota rules 7080-7082 and/or the Red Lake County Alternative Local Standards, whichever pertains to the situation.

**g.** The compliance portion of the Certificate of Compliance need not be completed if the sale or transfer involves the following circumstances:

1. The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
2. The transfer does not require filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.
3. The transfer is foreclosure, tax forfeiture, or court ordered.
4. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this ordinance. This subsection applies only to the original vendor and vendee on such contract.
5. Any dwellings or other buildings that are connected exclusively to a wastewater system.
6. There is an existing Certificate of Compliance less than Three years old.
7. In the case where a contract for deed is paid off or otherwise satisfied in its entirety and the SSTS servicing the property was certified or replaced at the time the original contract for deed was entered. This exemption only applies to the original vendor and vendee on such a contract for deed.
8. When title to real property is held jointly by a husband and wife and one spouse becomes deceased and the only change that occurs is to remove the deceased spouse's name from the title.
- h. Neither the issuance of permits, certificates, or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

### **5.32 Failing and Imminent Public Health Threat Septic Systems**

A Notice of Non-Compliance shall be issued and copies provided to the property owner and the Department within 15 days under the following conditions:

- A.** A failed SSTS, not considered an imminent threat to public health or safety, shall be upgraded, replaced, repaired or discontinued use in compliance with this Ordinance, as applicable within three years.
- B.** Existing "Local" SSTS that are Failing to Protect Groundwater in Non SWF/Floodplain Areas:
  - 1 SSTS built before April 1, 1996 (outside of protected areas designated as floodplain areas, shoreland areas, wellhead protection areas, or areas



where SSTS provide sewage treatment for food, beverage, or lodging establishments) shall have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock per MN Rules 7080.0060 Subpart 3.B.2.

- 2** Also existing systems with less than the two feet of vertical separation allowed by Red Lake County Alternative Local Standards. In floodplain and SWF areas the Alternative Local Standards do not apply and a minimum of three feet of separation is required. The vertical separation flexibility of 15% can be applied to make up for possible settling, that will allow you a minimum of 30.6 inches of separation.
- C.** An SSTS posing an imminent threat to public health or safety shall be upgraded, replaced, repaired or discontinued use within ten months.
- D.** The owner(s) shall submit to the Department an acceptable Replacement Plan within twenty days after notification by the Department. The Replacement Plan shall identify the location and design of the SSTS and a schedule for its replacement. Failure to submit and execute an acceptable Replacement Plan is a violation of this Ordinance.

### **5.33 Scope of Certification**

The Department may not require Recertification of an SSTS within three years for an existing system or five years for a new system, from the certification date provided the system does not fail or become an imminent public health threat or other cause as deemed appropriate by the Department.

## **5.40 NOTICE OF VIOLATIONS**

**5.41 Cause to Issue a Notice of Violation** Unresolved and either separate, recurrent, or continuing violations of this Ordinance by an applicant, permittee, installer or other persons, as determined by inspection, re-inspection, or investigations shall constitute non-conformance or non-compliance with this Ordinance.

**5.42 Serving a Notice of Violation** A Notice of Violation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this Ordinance.

**5.43 Contents of a Notice of Violation** A Notice of Violation shall contain the following:

- A.** A statement documenting the findings of fact through inspections, re-inspections or investigations.

- B. A list of specific violations of this Ordinance.
- C. The specific requirements for correction or removal of said violations.
- D. A mandatory time schedule for correction, removal and compliance with this ordinance.
- E. Specific enforcement actions that will be taken if corrective action is not completed.

**5.44 State Notification of Violations** Any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed person or any pumping and disposal of septage by a licensed pumper or hauler done in violation of the provisions of this Ordinance may be cause for notification to the Minnesota Pollution Control Agency.

## **SUBDIVISION 6 HEALTH AND ENVIRONMENTAL PROTECTION**

### **6.10 ADDITIONAL STANDARDS**

**The following standards shall also apply**

#### **6.11 Setback Distances**

- A. The setback distance from a well to a SSTS shall be at least fifty feet or as specified in M.S. 3011, Minnesota Rules Chapter 4725, as amended.
- B. The setback distances from SSTS to designated rivers shall be identified in the Red Lake County Shoreland Ordinance.

#### **6.12 Maintenance**

- A. The owner of a SSTS or the owner's agent shall regularly, but in no case less frequently than every three years, measure or remove the accumulations of scum and sludge in the septic tank and is responsible for full maintenance of the SSTS as indicated by Minnesota Rules Chapter 7080.0175.
- B. Management plans for all new or replacement SSTS shall be provided by the licensed designer. The plans shall include operating, monitoring and maintenance requirements for the new or replacement system. Homeowners are required every three years to maintain their sewage tank per instructions in 7080.2450 Subpart 2.

#### **6.13 Abandonment of SSTS**

All systems with no future intent for use must be abandoned in accordance with MN Rules, Chapter 7080.0176.

## **6.20 SEPTAGE DISPOSAL AND TREATMENT**

### **6.21 Setback Requirements for Land Application of Septage are as follows:**

Domestic septage disposal and treatment standards shall comply with US Environmental Protection Agency rules as found in the CFR40 Part 503 entitled “Standards for the Use or Disposal of Sewage Sludge,” and Minnesota Pollution Control Agency Chapter 7080 rules.

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

1. Private water wells	200 Feet
2. Municipal well	1000 Feet
3. Occupied dwellings	200 Feet
4. Commercial developments	600 Feet
5. Recreational areas	600 Feet
6. Property lines	50 Feet
7. Public road right-of-ways	50 Feet
8. Public and private ditches	25 Feet

**B. Setback from Surface Waters** Septage shall not be land spread in designated Shoreland Management Areas as identified in the Red Lake County Shoreland Ordinance.

## **SUBDIVISION 7 LICENSING REQUIREMENTS**

### **7.10 SITE EVALUATORS, DESIGNERS, INSTALLERS, INSPECTORS, AND MAINTAINERS**

No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of subsurface sewage treatment systems in Red Lake County without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency.

### **7.20 LICENSE EXEMPTION**

A license is not required for:

- A.** An individual who is constructing a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual. A design is still required from a SSTS licensed designer. The system must be inspected in accordance with Subdivision 5.20 of this Ordinance. A Certificate of Compliance or Notice

of Non-compliance must be issued for the system by a licensed inspector.

- B.** An individual who performs labor or services under a licensee.
- C.** A farmer who pumps sewage waste from subsurface sewage treatment systems, from dwellings or other establishments, that are owned or leased by the farmer and disposes of those wastes on land that is owned or leased by the farmer.
- D.** A property owner who personally gathers information, evaluates, or investigates the SSTS on or serving the property to provide a disclosure.

## **SUBDIVISION 8 ENFORCEMENT AND REGULATION**

### **8.10 ENFORCEMENT**

**8.11 Violations** Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

**8.12 County Attorney Action** In the event of a violation of this Ordinance, in addition to other remedies, the County Attorney shall institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

**8.13 Access to Premises and Records** Upon 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 purpose of regulating and enforcing this Ordinance.

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

**8.15 Stop Work Orders** Whenever any work is conducted contrary to the provisions of this Ordinance, the Department may order the work stopped by verbal or written notice personally served upon the installer or owner. Authorization to proceed is received from the Department.

## **SECTION 9 ORDINANCE ADOPTION**

The Red Lake County Subsurface Sewage Treatment System Ordinance is hereby adopted by the Red Lake County Board of Commissioners on this 7<sup>th</sup> day of January, 2014.

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John Lerohl, Red Lake County Board of Commissioners, Chairman

**ATTEST:**

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Robert Schmitz, Red Lake County Auditor