

SECTION 15 — SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE

This is an ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county.

Amended: January 21, 2014

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15.1 Subdivision 1 — PURPOSE AND AUTHORITY

15.1.1 PURPOSE AND INTENT

15.1.1.1 Purpose

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

15.1.1.2 Intent

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

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Chippewa County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County.
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, river, stream, ditch and lake degradation, groundwater related hazards, and public nuisance conditions.

15.1.2 AUTHORITY

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

15.1.3 EFFECTIVE DATE

The provisions set forth in this Ordinance shall become effective on _____.

15.2 Subdivision 2 — 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.

Authorized Representative: An employee or agent of the County Land & Resource Management Department.

Board of Adjustment: A board established by county ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, sections 394.21 to 394.37, 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.

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.

County: Chippewa County, Minnesota.

County Board: The Chippewa County Board of Commissioners.

Department: The Chippewa County Land & Resource Management Department.

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

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an MPCA licensed individual.

Imminent Threat to Public Health and Safety: 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. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 5 hereof.

ISTS: An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

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 Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

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.

Notice of Noncompliance: A written document issued by the Department notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

MPCA: Minnesota Pollution Control Agency.

Qualified Employee: An employee 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.

Record Drawings: A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

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

SSTS: Subsurface sewage treatment system Including an ISTS, MSTS or LSTS.

State: The State of Minnesota.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following:

- Level A: cBOD5 < 15 mg/L; TSS < 15 mg/L; fecal coliforms < 1,000/100 mL.
- Level B: cBOD5 < 25 mg/L; TSS < 30 mg/L; fecal coliforms < 10,000/100 mL.
- Level C: cBOD5 < 125 mg/L; TSS < 80 mg/L; fecal coliforms N/A.

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

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

Type III System: A custom designed ISTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

Type IV System: An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

Type V System: An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

15.3 Subdivision 3 — GENERAL PROVISIONS

15.3.1 SCOPE

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

15.3.2 JURISDICTION

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Ordinance and has been approved by the County. The county must permit and inspect SSTS within cities that do not administer an effective SSTS ordinance. (See MN Rules, Chapter 7082.0040, Subp. 2&3)

15.3.3 ADMINISTRATION

15.3.3.1 County Administration

The County Land & Resource Management Department shall administer the SSTS program and all provisions of this Ordinance. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

15.3.3.2 Cities and Townships

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

15.3.4 VALIDITY

The validity of any part of this Ordinance shall not be affected by the invalidity of any other parts of this Ordinance where the part can be given effect irrespective of any invalid part or parts.

15.3.5 LIABILITY

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

15.4 Subdivision 4 — GENERAL REQUIREMENTS

15.4.1 RETROACTIVITY

15.4.1.1 All SSTS

Except as explicitly set forth in Subdivision 4, 15.4.1.2, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

15.4.1.2 Existing Permits

Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration date (permits valid for one year from date of issuance) or until a change in system ownership, whichever is earlier.

15.4.1.3 SSTS on Lots Created Before January 23, 1996

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.220 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.

15.4.2 UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT

15.4.2.1 SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

15.4.2.2 Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten (10) months of the issuance date of a Notice of Noncompliance.

15.4.2.3 Imminent Threat to Public Health or Safety

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

15.4.2.4 Abandonment

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

15.4.2.5 Bedroom Additions

In the event of a bedroom addition, a Certificate of Compliance (COC) or Notice of Noncompliance (NON) be issued on the system prior to issuance of a land use permit or variance for the addition.

In the event of a NON for an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4A, or for a failing system, the system must be brought up to code within ten (10) months of date of issuance of a bedroom permit.

15.4.3 SSTS IN FLOODPLAINS

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

15.4.4 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.

15.4.5 SSTS PRACTITIONER LICENSING

No person shall engage in site evaluation, inspection, design, installation, construction, alternation, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700. Persons installing pressurized SSTS shall not be exempted under 7083.0700.

15.4.6 PROHIBITIONS

15.4.6.1 Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.

15.4.6.2 Sewage Discharge to Ground Surface or Surface Water

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 program by the MPCA.

15.4.6.3 Sewage Discharge to a Well or Boring

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

15.4.6.4 Discharge of Hazardous or Deleterious Materials

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

15.5 Subdivision 5 — SSTS STANDARDS

15.5.1 STANDARDS ADOPTED BY REFERENCE

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

15.5.2 AMENDMENTS TO THE ADOPTED STANDARDS

15.5.2.1 Determination of Hydraulic Loading Rate and SSTS Sizing

Table IX from Minnesota Rules Chapter 7080.2150, Subp. 3(E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and Table IXa entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) and herein adopted by reference shall both be used to size SSTS infiltration areas at the discretion of the licensed designer, except that the Zoning Administrator shall have the authority to require sizing under Table IXa when deemed necessary.

15.5.2.2 Compliance Criteria for Existing SSTS

SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

SSTS built after March 31, 1996 or SSTS located in a Shoreland area, Wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this

Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

15.5.2.3 Holding Tanks

Holding tanks may be allowed for situations involving low water use, impacted soils, or other factors as deemed appropriate by the Zoning Administrator or Authorized Representative. Persons applying for a permit will be issued an operating permit and must include a pumping agreement or contract with a licensed pumper.

The pumper shall certify each date the tank is pumped, the volume of the liquid waste removed, and the location to which the waste was discharged and report to the Department that the holding tank is pumped.

15.5.2.4 Effluent Screens

All SSTS construction that involves installation of a new septic tank shall have an effluent screen installed at the final septic tank outlet baffle.

15.5.2.5 Cluster SSTS

Clustering of SSTS may be allowed at the discretion of the Zoning Administrator and shall meet the following requirements:

- A. Homes served by clustered sewage treatment systems shall require a water meter, pumping event counter or equivalent means to measure water use, and an operation and maintenance plan.
- B. Clustered sewage treatment systems shall only be allowed where soil conditions or space restrictions preclude the use of individual sewage treatment systems, or where otherwise deemed appropriate by the Zoning Administrator.

15.5.2.6 Lots Created After January 23, 1996

All lots created after January 23, 1996 that will not be served by a sanitary sewer district or like entity must have a minimum of two (2) soil treatment and dispersal areas that can support Type I systems as described in parts 7080.2200 to 7080.2730 or site conditions as described in 7080.0270, Subp.3 to Subp.7.

15.5.2.7 Tank Burial Depth

Sewage tanks may be buried deeper than four (4) feet from final grade for existing dwellings. Sewage tanks shall not be buried deeper than the tank manufacturer's maximum designed burial depth for the tank.

New dwelling shall maintain the four (4) feet from final grade.

15.5.3 VARIANCES

15.5.3.1 Variance Requests

A property owner may request a variance from the standards as specified in this ordinance pursuant to county policies and procedures.

15.5.3.2 Affected Agency

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

15.5.3.3 Administrative Action

The Zoning Administrator or Authorized Representative may administratively adjust property line setbacks and building setbacks for SSTS where it is determined that the adjustment will not harm the surface and ground waters of the State, injure the public health, safety, and general welfare, or adversely impact the owners of adjacent property.

15.6 Subdivision 6 — SSTS PERMITTING

15.6.1 PERMIT REQUIRED

The property owner or his/her agent shall be responsible for obtaining a permit from the Chippewa County Land & Resource Management office for the installation, alteration, or extension of an on-site sewage treatment system. No person, contractor, firm, or corporation shall install, alter, or extend an on-site sewage treatment system in the County until such a permit has been issued by the Department.

15.6.2 CONSTRUCTION PERMIT

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

15.6.2.1 Activities Requiring a Construction Permit

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

15.6.2.2 Activities Not Requiring a Permit

A construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

15.6.2.3 Conformance to Prevailing Requirements

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

15.6.2.4 Permit Application Requirements

Construction Permit applications shall be made on forms provided by the Department and signed by the applicant and an appropriately certified practitioner including the practitioner's certification number and date of

expiration. The applications shall include the documents listed in items A through E below.

- A. Name, mailing address and telephone number.
- B. Property Identification Number and address or legal description of property location.
- C. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730
- D. Design Report as described in Minnesota Rules, Chapter 7080.2430.
- E. Management Plan as described in Minnesota Rules, Chapter 7082.0600.

15.6.2.5 Application Review and Response

The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. The Department shall complete the review of the amended application within (15) working days of receipt of the amended application. If the permit application is incomplete or does not meet the requirements of this ordinance the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

15.6.2.6 Appeal

The applicant may appeal the Departments decision to deny the Construction Permit in accordance with the County's established policies and appeal procedures outlined in the Chippewa County Land & Related Resources Management Ordinance under Section 2, Subd. 6 – Variances.

15.6.2.7 Permit Expiration

The Construction Permit is valid for a period of no more than twelve (12) months from its date of issue unless temporarily extended by the Zoning Administrator or Authorized Representative due to mitigating circumstances. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

15.6.2.8 Suspension or Revocation

The Department may suspend or revoke a Construction Permit issued under this section for any false statements, misrepresentations of facts on which the Construction Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked,

installation or modification of a treatment system may not commence or continue until a valid Construction Permit is obtained.

15.6.2.9 More Restrictive Construction Requirements

- A. All new construction that involves a new septic tank shall have an effluent screen installed at the outlet baffle.
- B. Pressure distribution pipe cleanout sweeps must be installed at the end of every lateral and covered with an inspection box used to provide proper operation and cleaning of plugged perforations.

15.6.3 OPERATING PERMIT

15.6.3.1 SSTS Requiring an Operating Permit

An Operating Permit shall be required of all owners of new holding tanks, Type IV SSTS, Type V SSTS, MSTS or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to these systems until the Department certifies that the SSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTS and a valid Operating Permit is issued to the owner.

15.6.3.2 Permit Application Requirements

- A. Application for an Operating Permit shall be made on a form provided by the Department including:
 - 1. Owner name, mailing address, telephone and e-mail address
 - 2. Construction Permit reference number and date of issue
 - 3. Final record drawings of the treatment system
 - 4. Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business
- B. Monitoring and Disposal Agreement
Owners of holding tanks shall provide to the Department a copy of a valid monitoring and disposal agreement executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G.

It is the responsibility of the owner to have an active contract with a licensed maintenance business at all times until which time the holding tank is abandoned or the property sold.

- C. SSTS existing prior to the effective date of this ordinance.
All SSTS existing prior to the effective date of this ordinance shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, or following any SSTS enforcement action.

15.6.3.3 Department Response

The Department shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and

completeness. If any 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 an operating permit.

A temporary permit may be given at the discretion of the Department to alleviate a hardship if the owner has need to occupy the building before the operating permit can be issued. The temporary permit will be limited to only allowing operating the treatment tank(s) as holding tanks until the operating permit is issued.

15.6.3.4 Operating Permit Terms and Conditions

The Operating Permit shall include the following System performance requirements (Minnesota Rules, Chapter 7082.0600, Subp.2.B):

- 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 owner and a licensed maintenance business
- I. Disclosure, location and condition of acceptable soil treatment and dispersal system site.
- J. Descriptions of acceptable and prohibited discharges.

15.6.3.5 Permit Expiration and Renewal

- A. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- B. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within in (90) calendar days of the expiration date, the County may require that the system be abandoned in accordance with Subdivision 6 – 15.6.4 of this Ordinance.
- C. The Department shall notify the holder of an operating permit at least (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least (30) calendar days before the expiration date.
- D. Application shall be made on a form provided by the Department including:
 - (1) Applicant name, mailing address and phone number.
 - (2) Reference number of previous owner's operating permit.
 - (3) Any and all outstanding Compliance Monitoring Reports as required by the Operating Permit.
 - (4) Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the County.
 - (5) Any revisions made to the operation and maintenance manual.
 - (6) Payment of application review fee as determined by the County.

15.6.3.6 Amendments to Existing Permits Allowed

The Department may amend existing permits as deemed necessary for the protection of public health, safety, and welfare, or to reflect operational realities not evident at the time of permit issuance.

15.6.3.7 Transfers

The operating permit may not be transferred, except that operating permits for holding tanks may be allowed to transfer to subsequent property owners and remain valid. A new owner shall apply for an operating permit in accordance with Subdivision 6 – 15.6.3.2 of this Ordinance.

15.6.3.8 Suspension or Revocation

- A. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- B. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
- C. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Subdivision 6 – 15.6.4 of this Ordinance.
- D. At the Department’s discretion, the Operating Permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

15.6.3.9 Compliance Monitoring

- A. Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- B. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - (1) Owner name and address
 - (2) Operating Permit number
 - (3) Average daily flow since last compliance monitoring report
 - (4) Description of type of maintenance and date performed
 - (5) Description of samples taken (if required), analytical laboratory used, and results of analyses
 - (6) Problems noted with the system and actions proposed or taken to correct them
 - (7) Name, signature, license and license number of the licensed professional who performed the work

15.6.4 ABANDONMENT CERTIFICATION

15.6.4.1 Abandonment Requirements

- A. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or

decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for the disposal or treatment of sewage shall be prohibited.

- B. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500 and a MPCA SSTS Abandonment Reporting form (attachment A) must be completed and submitted to the Department.
- C. No prior notification of the Department of an owner's intent to abandon a system is necessary.

15.7 Subdivision 7 — MANAGEMENT PLANS

15.7.1 PURPOSE

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

15.7.2 MANAGEMENT PLAN REQUIREMENTS

15.7.2.1 SSTS Requiring Management Plans

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

15.7.2.2 Required Contents of a Management Plan

Management plans shall include (Minnesota Rules, Chapter 7082.0600, Subp.1):

- A. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
- B. Monitoring requirements;
- C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
- D. Statement that the owner is required to notify the Department when the management plan requirements are not being met;
- E. 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.
- F. Other requirements as determined by the Department

15.7.2.3 Requirements for Systems not Operated under a Management Plan (Minnesota Rules, Chapter 7082.0100, Subp.3. (L))

SSTS that are not operated under a management plan or operating permit 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 Minnesota Rules, Chapter 7080.2450.

15.8 Subdivision 8 — COMPLIANCE MANAGEMENT

15.8.1 COMPLIANCE INSPECTION PROGRAM

15.8.1.1 General Requirements

- A. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- B. Licensed SSTS inspectors shall not inspect their own designs or installations. Once a system has received a Certificate of Compliance a licensed SSTS inspector may do a compliance check on any systems.
- C. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, “property” does not include a residence or private building.
- D. No person shall hinder or otherwise interfere with the Department’s employees in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- E. When two (2) compliance inspections are submitted to the Zoning Administrator’s office with differing results, the Zoning Administrator or Authorized Representative shall contact each party and, if necessary, all parties shall meet at the subject property to determine if agreement can be reached. If agreement cannot be reached, another licensed inspector contracted with the county must be used.
- F. The Zoning Administrator or Authorized Representative shall require an SSTS identified as failing or non-complying to be upgraded, replaced, or its use discontinued within an appropriate time no greater than ten (10) months if such system is declared to be an imminent threat to public health and safety. In all other cases of failure or non-compliance, the SSTS shall be caused to be upgraded, replaced, or its use discontinued within ten (10) months unless the Zoning Administrator’s office finds evidence of an imminent threat to public health and safety, then within an appropriate time no greater than ten (10) months.

15.8.1.2 New Construction or Replacement

- A. The Zoning Administrator or Authorized Representative shall cause such inspection or inspections as are necessary to determine compliance with this ordinance. No part of the sewage treatment system or addition, extension or alteration shall be covered until it has been inspected and accepted by the Zoning Administrator or Authorized Representative. The installer of the system shall notify the Zoning Administrator or Authorized Representative 24 hours prior to when the job is ready for inspection or re-inspection. The Zoning Administrator or Authorized Representative shall make the inspection within twenty four (24) hours after such notice has been given, excluding weekends and holidays. If an on-site inspection is not possible, the installer must submit an as-built drawing and photos to the Department within fifteen (15) days of installation.
- B. If, upon inspection, the Zoning Administrator or Authorized Representative determines that an as-built report is necessary due to

- significant design changes, the as-built report shall be completed and submitted within fifteen (15) calendar days of the inspection date.
- C. If inclement weather or other event delays the inspection, the Zoning Administrator or Authorized Representative shall notify the installers and owner, and may extend the time for inspection as needed. The inspection shall not be unnecessarily delayed, however.
 - D. A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years, shall be issued by the Department if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
 - E. The Certificate of Compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
 - F. Certificates of compliance for new construction or replacement shall remain valid for five (5) years from the date of issue unless the Department finds evidence of noncompliance.

15.8.1.3 Existing Systems

- A. Compliance inspections shall be required when any of the following conditions occur:
 - (1) In designated Shoreland Management Zones an existing SSTS must be inspected by a currently licensed Minnesota Pollution Control Agency inspector when any land use permit or variances is requested for an improvement on, or use of the property, exclusive of a deck, an accessory building one hundred twenty (120) square feet or smaller, or an agricultural building that is exempt from building code requirements.
 - (2) A currently licensed Minnesota Pollution Control Agency inspector must inspect an existing SSTS in any other zone when a land use permit for a bedroom addition is requested for the property.
 - (3) When an operating permit is to be renewed.
 - (4) At the time of transfer of operating permit.
 - (5) At any time the Zoning Administrator or Authorized Representative deems appropriate such as upon receiving a complaint or other information of system failure.
- B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions must be assessed or verified:
 - (1) Water tightness assessment of all treatment tanks including a leakage report;
 - (2) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including vertical separation verification report;
 - (3) Sewage backup, surface seepage, or surface discharge, including a hydraulic function report.

- C. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements.
- D. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department no later than fifteen (15) calendar days after the date the inspection was performed.
- E. Certificates of Compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.

15.9 Subdivision 9 — ENFORCEMENT

15.9.1 VIOLATIONS

15.9.1.1 Cause to Issue a Notice of Violation

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.

15.9.1.2 Notice of Violation

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

- A. A statement documenting the findings of fact determined through observations, inspections, or investigations;
- B. A list of specific violation(s) of this Ordinance;
- 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.

15.9.1.3 Cease and Desist Orders

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

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

15.9.2 PROSECUTION

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

15.9.3 STATE NOTIFICATION OF VIOLATION

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

15.9.4 COSTS AND REIMBURSEMENTS

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

15.10 Subdivision 10 — RECORD KEEPING (Minnesota Rules, Chapter 7082.0300 Subp. 4)

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

15.11 Subdivision 11 — ANNUAL REPORT (Minnesota Rules, Chapter 7082.0040, Subp.5)

The Department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

15.12 Subdivision 12 — FEES

The County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at time of permit request.

15.13 Subdivision 13 — 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.

15.14 Subdivision 14 — SEVERABILITY

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

15.15 Subdivision 15— ABROGATION AND GREATER RESTRICTIONS

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

15.16 Subdivision 16 — ORDINANCE REPEALED

The Chippewa County Land and Related Resources Management Ordinance for the regulation of Individual Sewage Treatment Systems of the County is hereby repealed. (Section 9-General Regulations; Subdivision 2-Sanitary Provisions)

15.17 Subdivision 17 — ADOPTION

Chippewa County Board of Commissioners hereby adopts the Chippewa County Subsurface Sewage Treatment Program Ordinance on the _____ day of _____, 20_____.

Chairperson, Chippewa County Board of Commissioners

ATTEST: _____

EFFECTIVE DATE: _____, 20_____.