

## **SUBDIVISION 11. SUBSURFACE SEWAGE TREATMENT SYSTEMS**

### **Subpart 1. Purpose and Authority**

1. This is an ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county and may be referred to as the Septic Ordinance. It establishes:
  - A. Minimum standards for and regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Redwood County incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency,
  - B. Requirements for issuing permits for installation, alteration, repair or expansion of SSTS,
  - C. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan,
  - D. Standards for upgrade, repair, replacement, or abandonment of SSTS,
  - E. Penalties for failure to comply with these provisions,
  - F. Provisions for enforcement of these requirements, and
  - G. 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 and Shoreland Ordinance.
  
2. Purpose and Intent
  - A. 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.
  - B. It is intended by the County that this Ordinance will promote the following:
    - (1.) The protection of lakes, rivers and streams, wetlands, and groundwater in Redwood County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County .
    - (2.) 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.

- (3.) 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.
- (4.) The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- (5.) The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

3. 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.

4. Effective Date

The provisions set forth in this Ordinance shall become effective on the date on which it is adopted by the Redwood County Board of Commissioners.

**Subpart 2. Definitions**

The following words and phrases shall have the meanings ascribed to them in this Subpart. If not specifically defined in this Subpart, 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 the same meaning as provided in Section 22 of Redwood County Ordinance titled “Rules and Definitions.” Words or phrases that are not defined here or in the standards adopted by reference or in Section 22 of Redwood County Ordinance titled “Rules and Definitions” shall have the 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 Redwood County.

**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.

**Construction Season:** The construction season is April 15 through October 15. Construction outside of that time must be undertaken only with the consent of the Department.

**County:** Redwood County, Minnesota.

**County Board:** The Redwood County Board of Commissioners.

**Department:** The Redwood County Environmental Office or any successor office or department charged by the County Board with enforcing the Septic Ordinance.

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

**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 individual licensed pursuant to Section 5 hereof.

**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.

**Indoor Running Water:** Water which is supplied to a tap or valve within a structure.

**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 licensed 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.

**Septic Ordinance:** The Septic Ordinance is Section 16, Subdivision 11 of Redwood County Ordinance, titled “Subsurface Sewage Treatment Systems.”

**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 or MSTS.

**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.

**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.

### **Subpart 3. General Provisions**

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.

2. Jurisdiction

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

3. Administration

The Department shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the County shall review this and revise and update this Ordinance as necessary. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

4. 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.

#### **Subpart 4. General Requirements**

1. Retroactivity

- A. All provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.
- B. 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 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.

2. Upgrade, Repair, Replacement, and Abandonment

- A. An existing SSTS must not be expanded unless a valid Certificate of Compliance for the SSTS is on file with the Department. If no valid Certificate of Compliance is on file, then expansion of the 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.
- B. In the event that the owner of an existing system undertakes a bedroom addition to the structure served by the existing system, the owner must upgrade, repair, or abandon and replace the existing system during the next full construction season unless the following conditions are met:
  - (1.) The owner must sign and record with the Redwood County Recorder a waiver, in a form approved by the Redwood County Attorney, stating that the owner understands that additional sewage flow from the use of the additional bedroom may shorten the life-span of the existing system and indemnifying the County against claims arising from failure of the existing system.
  - (2.) If the existing system was installed on or before January 3<sup>rd</sup>, 1996, the owner must provide a Certificate of Compliance from a septic inspector licensed by the State of Minnesota to inspect septic systems.
  - (3.) No permit shall be issued by the Department for any bedroom addition until the above conditions are met, or until the owner applies for and obtains a permit to construct an SSTS from the Department.
- C. 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 two full construction seasons of receipt of a Notice of Noncompliance.

- D. An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within one full construction season of receipt of a Notice of Noncompliance.
- E. 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.
- F. Continued use of an existing treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Department.
- G. Disagreements regarding periodically saturated soil determinations between licensed SSTS businesses shall be resolved by the Department. Disagreements regarding periodically saturated soil determinations between a licensed SSTS business and the Department shall be resolved by hiring, at the property owner's expense, an independent third party licensed SSTS business to resolve the disagreement by making its own independent determination.

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.

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.

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.

Owners who wish to install or construct their own systems must sign an agreement, in a form approved by the Redwood County Attorney, indemnifying the county against claims due to the failure of the owner to comply with the provisions of this ordinance.

6. Prohibitions

- A. 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 complies with the provisions of this Ordinance.
- B. It is unlawful for any person to maintain, occupy, or use any building which is supplied with indoor running water that is not provided with a wastewater treatment system that disposes of wastewater in a manner that complies with the provisions of this Ordinance.
- C. 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.
- D. 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.

**Subpart 5. SSTS Standards**

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, except as otherwise indicated in this Ordinance. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

2. Amendments to Standards Adopted by Reference

- A. The amendments to the standards adopted by reference shall include, but shall not be limited to, the following provisions and shall include all the provisions found in this Ordinance (the Septic Ordinance) which may conflict with the standards adopted by reference.
- B. Site evaluations shall include no fewer than two soil observations as described in Minnesota Rules, Chapter 7080.1720, Subp. 4.
- C. An SSTS absorption area must meet the following setbacks:



- (1.) Twenty (20) feet from a structure used as a dwelling;
- (2.) Twenty (20) feet from a basement, crawl space, or cellar of any structure;
- (3.) Ten (10) feet from any structure other than a dwelling;
- (4.) Any other setback required by law or ordinance which does not conflict with the above setbacks.

- D. Survey elevations shall not be required on SSTS designs.
- E. Event counters shall be required for SSTS other than SSTS for single family dwellings if the SSTS is deemed by the Department to require additional oversight.
- F. Effluent screens and filter alarms shall be required for all SSTS providing post-tank treatment of sewage.
- G. Sewage tanks and holding tanks shall be covered to a depth no greater than the maximum depth for which they are rated by the manufacturer.

3. Determination of Hydraulic Loading Rate and SSTS Sizing

Table IX 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” or 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 be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.

4. Compliance Criteria for Existing SSTS

- A. 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.
- B. 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. 7080.1500, Subp.4

5. New or Replacement SSTS for Dwellings

For the purpose of this Ordinance, all structures serving as dwellings shall be considered “Class I” dwellings as described in Minnesota Rules, Chapter 7080.1860 and the design flow chart for Class I dwellings shall be used to determine design flow for all structures serving as dwellings in Redwood County, irrespective of the ratio of finished space to number of bedrooms in the dwelling.

6. Holding Tanks

Holding tanks may be used for buildings, other than dwellings, with limited water use under the following conditions:

- A. The owner shall install a holding tank in accordance with Minnesota Rules Section 7080.2290.
- B. The owner shall maintain a valid contract with a licensed maintainer to pump and haul the holding tank to a licensed treatment facility.
- C. The holding tank shall be regularly pumped according to a schedule agreed upon with the Department.
- E. The owner or operator shall keep records of each date the tank is pumped, the volume of the liquid waste removed, and the treatment facility to which the waste was discharged and shall provide such records to the Department upon request.

8. Variiances

- A. A property owner may request a variance from the standards as specified in this ordinance pursuant to county policies and procedures, including but not limited to those policies and procedures found in Redwood County Ordinance Section 26 titled “Board of Adjustment.”
- B. Variiances 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.

## **Subpart 6. SSTS Permitting**

### **1. Permit Required**

- A. It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without the appropriate permit from the Department. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.
- B. An SSTS 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 an SSTS. The purpose of this permit is to ensure that the proposed SSTS construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioners. An SSTS 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.
- C. SSTS Permit applications shall be made on forms provided by Redwood County and signed by the applicant or the applicant's agent and an appropriately certified practitioner including the practitioner's certification number and date of expiration. The applications shall include the documents listed in items (1.) through (4.) below.
  - (1.) Name, mailing address, and telephone number of applicant and licensed designer.
  - (2.) Property Identification Number and address or other description of property location.
  - (3.) Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730.
  - (4.) Design Report as described in Minnesota Rules, Chapter 7080.2430.
- D. An SSTS 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.
- E. An Application for SSTS permit shall include a septic design made on an SSTS Design Form provided by the MPCA/University of Minnesota, as amended from time to time.

- F. For any property on which an SSTS permit is required, approval and issuance of a valid SSTS permit must be obtained before a building or land use permit may be issued by the Department.
- G. The Department may suspend or revoke a SSTS permit issued under this section for any false statements, misrepresentations of facts on which the SSTS 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 SSTS permit is obtained.

2. Operating Permit

- A. An Operating Permit shall be required of all owners of new Type IV SSTS, Type V SSTS, or MSTs or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a new Type IV SSTS, Type V SSTS, or MSTs until the Department certifies that the new Type IV SSTS, Type V SSTS, or MSTs was installed in substantial conformance with the approved plans, receives the final record drawings of the new Type IV SSTS, Type V SSTS, or MSTs, and a valid Operating Permit is issued to the owner.
- B. Application for an Operating Permit shall be made on an Operating Permit form substantially similar to the operating permit template provided by the MPCA and shall be submitted with the Application for SSTS permit and system design.
- C. An SSTS permit shall not be approved until the required Application for Operating Permit is received by the Department.
- D. Operating Permits shall be valid for as long as the owner abides by the terms of the Operating Agreement, or until work is done on the Type IV SSTS, Type V SSTS, or MSTs requiring the owner to obtain a new SSTS permit, whichever first occurs.
- E. 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. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner. 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 Subpart 4.2.E. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

## **Subpart 7. Management Plans**

### 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.

### 2. Management Plan Requirements

- A. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the SSTS permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.
- B. Management plans shall be submitted on forms provided by the University of Minnesota. Management plans may be customized by licensed designers in order to display a company name and logo.
- C. SSTS that are not operated under a management plan or operating permit must have solids removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

## **Subpart 8. Compliance Management**

### 1. New Construction or Replacement

- A. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. SSTS found not to be in compliance with 7080.1500, Subp. 4A or 7081.0080, Subp. 3 must be repaired or replaced in the next full construction season or as directed under Minnesota Statutes, Chapter 145A.
- B. It is the responsibility of the SSTS owner or the owner's agent to notify the Department twenty four (24) hours prior to any permitted work on the SSTS. No portion of the SSTS shall be backfilled prior to any required inspection by the Department unless special arrangements have been made, in writing, with the Department, at the Department's sole discretion. If the Department is unable to inspect the SSTS within twenty four (24) hours of the scheduled inspection, then the licensed installer or SSTS owner is responsible to take pictures or video recording of the septic tank, absorption area, rock bed, distribution pipes, and any other component of the SSTS along with a detailed diagram with measurements

of SSTS components and required setbacks prepared prior to backfilling or covering of the SSTS components.

- C. 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.

2. Existing Systems

- A. Compliance inspections shall be required when any of the following conditions occur:
  - (1.) When a septic permit is required to repair, modify, or upgrade an existing system;
  - (2.) Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system;
  - (3.) At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
- B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by the MPCA. The following conditions, must be assessed, or verified:
  - (1.) Watertightness 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 a 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. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A SSTS permit application must be submitted to the Department if the required corrective action is not a minor repair.

- D. 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.

### **Subpart 9. Enforcement**

#### 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.

#### 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.

#### 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.

#### 4. 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.

5. 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.

**Subpart 10. Record Keeping**

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.

**Subpart 11. Annual Report**

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

**Subpart 12. Fees**

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

**Subpart 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.

**Subpart 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.



**Subpart 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.

**Subpart 16. Ordinance Repealed**

The previous ordinance for the regulation of Subsurface Sewage Treatment Systems in Redwood County (Section 16, Subdivision 11, titled “Individual Sewage Treatment Systems) is hereby repealed.

**Subpart 17. Adoption**

The Redwood County Septic Ordinance is hereby adopted by Redwood County Board of Commissioners on the 6th day of May, 2014.

\s\ Sharon Hollatz

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**Chairperson, Redwood County Board of Commissioners**

**ATTEST:**

\s\ Vicki Knobloch

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**EFFECTIVE DATE: 5-6-14**