

**CHAPTER 1**

**TITLE 4**

**SUBSURFACE  
SEWAGE TREATMENT SYSTEM ORDINANCE NO. 4**

**(Cite as e.g.)**

**(Scott County Subsurface Sewage Treatment System  
Ordinance No. 4 Section   )**

**SCOTT COUNTY SUBSURFACE SEWAGE TREATMENT  
SYSTEM ORDINANCE NO. 4**

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## **1.00 PURPOSE AND AUTHORITY.**

- 1.01 PURPOSE.** An ordinance establishing the minimum standards and criteria for the design, location, installation, use, and maintenance of Subsurface Sewage Treatment Systems (SSTS), also referred to as Individual Sewage Treatment Systems (ISTS) and Community Sewage Treatment Systems (CSTS); penalties for failure to comply with provisions of this Ordinance; issuing, denying, modifying, imposing conditions upon, suspending or revoking licenses and permits; the proper removal, transport, treatment and disposal of domestic septage; and other matters as determined to be necessary, and thus protect the surface and ground waters of the County of Scott and the State of Minnesota, and promote the public health and general welfare.
- 1.02 AUTHORITY.** This Ordinance is adopted pursuant to Minnesota Statutes, Sections 145A.05, 115.55 and 115.56.

## **2.00 DEFINITIONS.**

- 2.01 CERTAIN TERMS.** For the purposes of these standards, certain terms or words used herein shall be interpreted as follows: the words "shall" and "must" are mandatory, the words "should" and "may" are permissive. All distances, unless otherwise specified, shall be measured horizontally.
- 2.02 ALTERNATE SITE.** "Alternate Site" means that portion of real property that is designated by a licensed ISTS professional and approved by the Department to be protected from all vehicular traffic, construction and other disturbances and which will allow for the construction of a future standard SSTS.
- 2.03 COUNTY.** "County" means Scott County, Minnesota.
- 2.04 COUNTY BOARD.** "County Board" means the Scott County Board of Commissioners.
- 2.05 COMMUNITY SEWAGE TREATMENT SYSTEM.** "Community Sewage Treatment System" or "CSTS" means a collector-type sewage treatment system serving two or more dwellings on separate lots and managed by a public entity such as a Subordinate Service District or Sanitary District.
- 2.06 DEPARTMENT.** "Department" means the Scott County Environmental Health Department or its successor.
- 2.07 INCORPORATED.** "Incorporated" means the mixing of domestic septage with the topsoil by means of discing or plowing.
- 2.08 INJECTED.** "Injected" means the direct flow of domestic septage from the injector tank or injector vehicle into the soil.

- 2.09 INSPECTOR.** "Inspector" means the person or persons registered by the Minnesota Pollution Control Agency with specialty area endorsements applicable to the work being conducted and assigned the responsibility for the administration of this Ordinance by the Manager of the Department.
- 2.10 ONE HUNDRED-YEAR FLOOD.** "One hundred-year flood" means that flood which can be expected to occur, on an average, of once in one hundred years; or the level to which flood waters have a one percent chance of rising in any given year.
- 2.11 TYPE I SYSTEM.** "Type I System" is an SSTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with Minn. Rules parts 7080.2200 through 7080.2240.
- 2.12 TYPE II SYSTEM.** "Type II System" is an SSTS 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 holding tanks, privies and systems located in floodplains or on lots with rapidly permeable soils.
- 2.13 TYPE III SYSTEM.** "Type III System" is an SSTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.
- 2.14 TYPE IV SYSTEM.** "Type IV System" is an SSTS having an approved pretreatment device and incorporating pressure distribution and dosing.
- 2.15 TYPE V SYSTEM.** "Type V System" is an SSTS designed by a professional engineer that does not meet the prescriptive designs for Type I-IV systems. Type V systems must meet the public health and safety standards of Minn. Rules part 7080.1500.

### **3.00 GENERAL PROVISIONS.**

- 3.01 ADMINISTRATIVE PROCEDURES.** Except to the extent superseded by this Ordinance, all of the provisions of the Scott County Administrative Procedures Ordinance No. 13 relating to definitions; license and permit provisions; administration of the Ordinance; license and permit application and processing; suspensions and revocations; variances; severability; provisions cumulative; and no consent, shall apply as if fully set forth herein.
- 3.02 ADMINISTRATION OF ORDINANCE.** This Ordinance shall be administered by the Inspector. The Inspector's responsibilities shall include, but not be limited to, the following:

- A. Review and consider all permit applications submitted to the Department for the site evaluation, installation and maintenance of an SSTS within the County.
- B. Conduct routine inspections of SSTS installations and site evaluations in such frequency as to insure consistent compliance with the provisions of this Ordinance. The permittee or licensed SSTS professional shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. The permittee or licensed professional shall be required to allow free access to the Department, County Board or to the proper representative of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, ordinance or regulation, or for the purpose of making written and documented notice of any deficiencies, or recommendations for their correction and the date by which corrections shall be accomplished.
- C. Investigate complaints of violations of this Ordinance and recommend, when necessary, to the County Attorney's Office that legal proceedings be initiated to achieve compliance with this Ordinance and protect public health and the environment.
- D. Advise, consult and cooperate with other governmental agencies and the various offices of Scott County.
- E. Resolve conflicts and other technical disputes between SSTS certified individuals.

**3.03 COMPLIANCE REQUIRED.** All sewage, septage and sewage tank effluent generated within Scott County shall be treated either in a Minnesota Pollution Control Agency (MPCA) permitted facility or a system that meets the requirements of this Ordinance. Any person who conducts site evaluations or designs, installs, alters, repairs, replaces, maintains, pumps, or inspects all or part of an SSTS in Scott County shall comply with the requirements of this Ordinance and the appropriate portions of Minn. Rules chapters 7080 or 7081. Any SSTS, irrespective of the date of original installation, which is found to be in violation of Minn. Rules part 7080.1500, 7080.2150, subp. 2, or 7081.0080, shall be relocated, reconstructed or reinstalled so as to be in compliance with this Ordinance. A surface discharge is strictly prohibited unless a national pollution discharge elimination system permit has been issued by the MPCA. Any septic tank that is exposed for inspection or repairs shall be repaired or replaced in accordance with this Ordinance to meet the requirements of Minn. Rules part 7080.1900 or 7081.0240.

**3.04 CONDITIONS.** Violation of any conditions imposed by the County on a license, permit or variance shall be deemed a violation of this Ordinance and subject to the penalty provisions set forth in this Ordinance.

## **4.00 STANDARDS ADOPTED.**

**4.01 TECHNICAL STANDARDS.** The technical standards of the Minnesota Pollution Control Agency are hereby adopted by reference. Those standards encompass Minn. Rules chapters 7080 and 7081.

**4.02 TYPE II, III, IV AND V SYSTEMS.** Type II, III, IV and V systems shall only be allowed/permitted for existing lots of record (as defined in Section 5.01 A.) where a Type I system cannot be reasonably installed as determined by the Inspector. This applies regardless of whether or not a Permit is required from the County except as otherwise specified in Section 4.03 C. The SSTS shall meet all provisions contained in Minn. Rules parts 7080.2250 through 7080.2400, shall only be used to manage sewage from existing dwellings and Other Establishments, and shall not be used to accommodate the construction or expansion of a dwelling or Other Establishment or to accommodate an unacceptable increase in wastewater to the SSTS as determined by the Inspector. In addition to these standards, the following shall apply:

- A. All Type II, III, IV and V systems shall include a water meter. In addition, if the SSTS contains a pump chamber and dosing device, an electrical event counter shall be placed on the dosing device.
- B. An application to install or modify a Type IV or V system must include a Monitoring and Mitigation Plan. The Monitoring Plan shall identify the name of a licensed designer, inspector or installer along with a five-year contract with that SSTS professional to perform inspections and take whatever measurements or samples are agreed to by the Department in the Approved Monitoring Plan. The Mitigation Plan shall identify what measures will be taken within a specific Department-approved time frame to replace the SSTS or bring it into compliance with the standards approved in the Monitoring Plan. Alternate sites designated to accommodate replacement of the SSTS shall be protected and maintained.
- C. Type IV and V systems must be licensed as provided in section 6.04.

**4.03 PRETREATMENT OF EFFLUENT.** Providing that all standard components of an SSTS are designed and constructed in accordance with the provisions established herein, additional devices to screen, filter or pretreat septic tank effluent as approved by the Inspector:

- A. May be added to an SSTS providing adequate maintenance is clearly established.
- B. Shall be added for pretreatment of any wastewater which, after standard treatment in a septic tank designed in accordance with Minn. Rules part 7080.1900, fails to achieve any of the following standards:
  - 1. Biochemical Oxygen Demand (BOD) in excess of 220mg/l.
  - 2. Total Suspended Solids (TSS) in excess of 65mg/l.

3. Fats, Oils and Grease (FOG) in excess of 30mg/l.
- C. Shall be added to a CSTS for the purpose of enhancing the longevity of the drainfield component of the SSTS subject to approval by the Subordinate Service District (SSD).

All such pretreatment devices shall be subject to review and approval by the Inspector and are subject to the provisions in Section 6.04.

**4.04 USE OF HOLDING TANKS.** The operation and maintenance of a holding tank shall comply with all requirements as specified on forms provided by the Inspector. At a minimum, a monitoring and disposal contract signed by the owner and a licensed maintenance business is required unless the owner is a farmer exempt from licensing under Minnesota Statutes, section 115.56, subdivision 2 paragraph (b), clause (3). The owner is responsible for ensuring that the contract guarantees the proper removal of the tank contents before overflow or any discharge. Holding tanks shall only be used in the following circumstances:

- A. For replacement of an SSTS where it is impossible as determined by the Inspector to construct a Type I system;
- B. For seasonal buildings or facilities where the SSTS would be used less than four days per week during the winter months of November through March;
- C. To capture wastewater that cannot be treated in an SSTS as determined by the Inspector;
- D. For new construction or expansion as defined in 7.03 D, if the lot is scheduled to receive municipal sewer service within one year;
- E. For temporary uses as controlled by a development contract; or
- F. For temporary occupancy before a drainfield can be installed due to adverse soil conditions.

## **5.00 SITE EVALUATION AND PRESERVATION.**

### **5.01 SITE EVALUATION FOR SSTS PERMIT APPLICATION.**

- A. Site evaluations must be conducted in accordance with Minn. Rules parts 7080.1700 and 7081.0100 through 7081.0230, this section, or as otherwise provided in Minn. Rules chapters 7080 and 7081. Each SSTS permit application shall include a primary and an alternate site. Both sites shall meet the requirements of Minn. Rules parts 7080.2050 through 7080.2240. Soil boring and

percolation test locations and the one hundred-year flood elevation must be clearly marked on the design plans submitted.

On existing vacant lots recorded with the Scott County Land Records Office prior to May 12, 1992, where it is not possible to locate two Type I system sites, at least one Type I system site must be identified unless otherwise allowed by this Ordinance for the purposes of obtaining a building permit. The site shall meet the requirements of Minn. Rules parts 7080.2050 through 7080.2240. The building pad cannot be larger than 5,000 square feet if a larger pad would preclude the use of an alternate site on the lot.

- B. The following must be field staked before the Department will conduct a site inspection:
1. The septic and pump tanks.
  2. Soil boring and percolation test locations.
  3. The four corners of the sand and rockbed of a mound, drop boxes and both ends of each trench of a trench SSTS or as necessary to easily identify the location of other system types.
  4. The boundaries of the alternate site.
  5. Property lines, easements and other features requiring a setback as specified by the Inspector within 20 feet of any part of the SSTS. A survey may be required if the exact location of the property line, easement or feature cannot be determined.
- C. All new septic tanks shall be designed and constructed to meet the standards listed in Minn. Rules part 7080.1930 subp. 2 for a garbage disposal, and the top lid of any septic or pumping tank shall not be located more than four feet below the final grade as outlined in Minn. Rules part 7080.2000. These tank size and depth requirements may be waived by the Inspector for an existing ISTS.
- D. To determine the Hydraulic Loading Rate there must be a minimum of three percolation tests done within the primary site in accordance with Minn. Rules chapter 7080.2150 subp. 3, E. Table IXa. Additional percolation tests may be required in either or both sites if the Inspector determines that they are needed to accurately define the soil conditions. There must be a minimum of four soil borings done within the primary site, preferably one in each corner of the proposed SSTS. At least two soil borings shall also be done within the alternate site. Additional borings may be required in either or both sites if the Inspector determines that the borings have not accurately defined the soil conditions. Alternatively, two or more soil pits, a minimum of three feet deep, may be substituted per site to assess soil conditions in accordance with Minn. Rules chapter 7080.2150 subp. 3, E. Table IX. The pits must be left open or reopened to

accommodate site inspection and be fenced, roped off or refilled as needed to prevent accidents.

The soil treatment area shall be sized using the slowest tested percolation rate or be based upon the detailed soil description, whichever results in a larger absorption area if both sizing methods are used. If the absorption area is based on the percolation rate and five or more percolation tests are done, an average of all the percolation rates may be used to size the soil treatment area.

- E. Applications for ISTS permits which lack sufficient soils information for approval (due to weather/seasonal soil conditions), but which the Inspector believes contain sufficient information for conditional issuance of a building permit, shall be allowed to proceed through the permit process with the condition that final ISTS permit approval will not be granted until complete soil information is submitted and approved. An additional permit fee shall be paid as established by resolution of the County Board.
- F. An SSTS shall not be constructed within the boundaries of an easement nor shall any part of the SSTS cross an easement without written permission from the individual(s) or entity(ies) possessing the rights to the easement.
- G. Below ground pools shall meet the setback requirements established for buildings as described in this Ordinance.
- H. Fencing and Staking. Where the Inspector deems necessary, both the primary and alternate drainfield sites shall be fenced prior to applying for a permit to construct an SSTS. The fence shall consist of four-foot high orange construction fence, wooden snow fence, or two strands of weatherproof high-visibility roping attached to posts placed no more than 20 feet apart with either high visibility ribbon at least one-half inch wide tied to the rope no more than 6 feet apart or signs no smaller than 16 inches by 20 inches no more than 20 feet apart, that clearly identify the drainfield area and prohibit trespass. The fencing or roping and signs shall be clearly visible at least two feet above surrounding vegetation. The choice between fencing and roping with signs shall be at the discretion of the designer and property owner and should take into consideration any risk such barrier may present.  
  
The stakes shall be clearly visible at least two feet above surrounding vegetation and the stake labeling shall be legible.
- I. The proposed alternate site shall be 5,000 square feet or of a size, location and configuration deemed suitable by the Inspector for the intended use.
- J. A management plan shall be developed by the designer and must be reviewed and approved before issuance of a construction permit for all new or replacement ISTS as described in Minn. Rule 7082.0600 Subpart 1.

## 5.02 SITE EVALUATION FOR CREATING NEW LOTS.

- A. All proposed development that requires rezoning or platting shall be submitted to the Inspector for review. No new lots shall be approved by Scott County unless the Inspector renders a favorable recommendation that a primary and alternate site can be located on each lot or be served by a CSTS. Each site shall meet the requirements of Minn. Rules parts 7080.2050 through 7080.2230 and shall be sized to accommodate a Type I system for a five bedroom dwelling. Appeal from an unfavorable recommendation hereunder, shall be in accordance with the provisions adopted in the Scott County Administrative Procedures Ordinance No. 13. The review and recommendation provided pursuant to this section shall not eliminate the need for compliance with section 5.01.
- B. There shall be a minimum of two percolation tests conducted on each lot of the proposed development except for those served by a CSTS. Additional percolation tests may be required in the primary or alternate sites if soil conditions, topography, land-use, etc., indicate a change of soil characteristics that would influence the percolation test results. Both percolation tests shall be conducted within the boundaries of the primary site.
- C. At least two soil borings shall be done within the boundary of each primary and alternate ISTS site. Additional soil borings may be required upon review of the information submitted. Alternatively, two or more soil pits a minimum of three feet deep may be substituted per site to assess soil conditions in accordance with Minn. Rules chapter 7080.2150 Subp. 3 (E). Care should be taken to prevent damage to a future drainfield site because the County may not approve a permit for a drainfield where significant soil disturbance has occurred.
- D. The following shall be located on each lot of a proposed preliminary plat layout where lots will be served by an ISTS on forms and to a level of detail acceptable to the Inspector:
  - 1. Contours, as required by the Scott County Land Subdivision Ordinance No. 7.
  - 2. A proposed building pad of 5,000 square feet and driveway.
  - 3. Two ISTS sites.
  - 4. All percolation tests and soil borings.
  - 5. Any drainage and utility easements, required buffer strips, bluff setbacks, trails, driveways and private drainage systems including tile, ditches, culverts and other similar restricted areas for construction of an ISTS as outlined in Minn. Rule part 7080.1720 subp. 3, C. & D.
  - 6. One hundred-year flood elevation, wetlands and the ordinary high water level of public waters.

7. Existing wells within 100 feet from any proposed ISTS site, 300 feet for public supply wells or as otherwise established by the Minnesota Department of Health.
- E. The drainfield locations for new residential lots shall be located on non-hydric soils and sized at a minimum of 5,000 square feet with sufficient information provided to the Inspector to demonstrate that the proposed sites are likely to be able to accommodate an ISTS of a standard design consistent with site soils and topography.
  - F. Any drainfield site within fifty feet of proposed construction activities (i.e., road construction, house construction, or other construction or improvement activities associated with the plat) shall be fenced and staked by the developer in accordance with section 5.01 H.
  - G. Design plans of a detail acceptable to the Inspector shall be submitted for consideration of a proposed preliminary plat for new lots to be served by a CSTS and:
    1. The Subordinate Service District (SSD) or Sanitary District (SD) shall be fully established as required by state statutes.
    2. The SSD/SD shall review and approve the design of the CSTS in coordination with the Inspector.
    3. Preliminary plat layouts must include the information required in section 5.02 D. 1, 2, 5, 6 and 7. Sufficient information shall also be provided as deemed necessary by the Inspector to identify two acceptable drainfield infiltration locations per CSTS. These locations must be fenced and staked as outlined in section 5.02 F.
    4. The number of soil pits and percolation tests shall be sufficient to accurately depict soil conditions as determined by the Inspector in consideration of topography and soils.
    5. The infiltration area shall be based on the anticipated wastewater generated from all sources that could use the CSTS. All assumptions and estimates made for wastewater generation must be acceptable to the Inspector. Unless otherwise known, the estimated number of bedrooms to use per dwelling for wastewater generation determination shall be five.
    6. All plans for a CSTS shall be prepared by a licensed designer and qualified Minnesota Registered Engineer.
    7. Soils information shall also include hydraulic conductivity testing as specified in Minn. Rule part 7081.0170 and applicable ground water testing as specified in Minn. Rule part 7081.0210. The dispersal system

shall be configured to comply with all applicable requirements of Minn. Rule parts 7081.0080 through 7081.0300 which includes nutrient nitrogen and phosphorus and ground water mounding. Methods for determining the potential for ground water mounding shall be acceptable to the Inspector. Consideration should be given for the use of GMound and GPond and the findings and recommendations developed in the Scott County GMound Proofing Study.

### **5.03 PRESERVATION OF SITES.**

- A. An area which has been identified for future use as an SSTS site shall be maintained in its original, natural soil condition so a future SSTS or device may be constructed that meets all Ordinance requirements unless a substitute alternate site acceptable to the Inspector can be identified and maintained. Each site shall be protected during lot development, road and building construction and during any other improvement, disturbance or activity to prevent any impairment of the treatment ability or hydraulic performance of the site.
- B. No permit shall be issued for grading, building, building expansion or remodel or for any other use that could, in the opinion of the Inspector:
  - 1. Damage or encroach upon an identified site unless a substitute alternate site acceptable to the Inspector can be identified and maintained. In situations where an alternate site is not available, a permit shall not be issued which will result in damage to or encroach upon a possible partial site.
  - 2. Destroy or eliminate a potential or partial alternate site regardless of when the lot was created unless an alternate or potential alternate site acceptable to the Inspector is identified.
  - 3. Increase sewage flow to an existing SSTS unless the additional sewage flow can be accommodated in conformance with this Ordinance.
- C. It is a violation of this Ordinance and may be cause for denial of a building permit if a site or potential site is damaged, regardless of when the lot was created.

### **6.00 PERMITS AND LICENSES.**

#### **6.01 PERMIT REQUIRED.**

- A. Unless a site-specific permit to construct and operate an SSTS has been issued by the MPCA, no person shall install, alter, repair, replace or extend any SSTS in Scott County without first obtaining a permit from the Inspector for each specific installation, alteration, repair or extension; and, at the time of applying for said

permit, shall pay a fee as established by resolution of the County Board. Such permits shall be valid for a period of 12 months from the date of issuance unless the applicant pays a permit renewal fee as established by resolution of the County Board.

All SSTS design work, installation, alteration, repair, maintenance, operation, pumping, or inspection activities must be completed by a state licensed business or an acceptably certified qualified employee, or a person exempted under Minn. Rules part 7083.0700.

- B. No building permit shall be issued until all associated SSTS permits are approved and issued.
- C. No dwelling or Other Establishment shall be redesigned or enlarged if such redesign or enlargement results in exceeding the designed capacity of the SSTS unless a permit has been granted by the Inspector to enlarge or redesign the SSTS to accommodate the expected increase in sewage and the permittee agrees in writing, on forms provided by the County, to replace the SSTS within one year.
- D. No more than one dwelling or Other Establishment shall be connected to the same ISTS unless such connection was specified in the application submitted and in the permit issued for the SSTS and it can be demonstrated to the satisfaction of the Inspector that the existing SSTS can accommodate the additional effluent.
- E. The County will not issue an ISTS permit when a municipality has required the owner to connect to the municipal sewer system.

**6.02 PERMIT NOT REQUIRED.** An SSTS permit is not required to repair or replace the following: a crushed pipe, a pump, floats or other electrical devices of the pump, baffles in the septic tank or the septic tank cover. Permits may be required by other governmental agencies for activities related to or in conjunction with such activities.

**6.03 PERMIT APPLICATION REQUIREMENTS.**

- A. An application for an SSTS permit shall be made in writing on forms acceptable to the Inspector and shall be signed by the applicant. If the Inspector finds that the applicant has failed to submit all of the items required in this section or as otherwise required by the Inspector, the application will be considered incomplete. This may result in a delay in the issuance or denial of the permit application. Each application shall include the site evaluation information listed in section 5.01 and shall also contain the following:
  - 1. Estimated water usage and water use calculations.
  - 2. Pump selection procedure and pressure distribution worksheets.

3. One copy of an SSTS design, drawn to a scale no smaller than 1 inch equals 30 feet, which includes the items required in section 5.01, as appropriate, and the following:
  - a. All existing and anticipated future buildings and improvements on the lot, including additions, decks, three-season porches, roads and driveways.
  - b. Location and elevations of percolation tests, soil borings and soil pits.
  - c. Location, size and elevation of existing and proposed septic and pump tanks, distribution devices, and soil absorption area.
  - d. Cross-section of the SSTS.
  - e. Proposed well location. Also indicate all existing well locations and depths on or within 100 feet of the SSTS site.
  - f. Location of all existing and proposed utilities, setback areas and other restricted areas as outlined in 5.02 D. 5.
  - g. Water bodies.
  - h. Two-foot before and after contours when excavation, grading or fill will impact or be impacted by the soil absorption area.
  - i. Roof drains, sump pump discharge, water treatment devices, swimming pools and other potential sources of surface water run on point source discharge locations.
4. A management plan acceptable to the Inspector.
5. Any additional information that may be required by the Inspector to assure compliance with this Ordinance and ground water protection.

- B. All Other Establishments shall have a device installed suitable for measuring waste water flow.
- C. In the event of a change in the application information that served as the basis for issuing a permit, the permittee must file an amended application with acceptable supporting documentation and receive approval for the amended permit prior to initiating construction. An additional permit fee shall be paid as established by resolution of the County Board.

- D. Final approval of the SSTS shall be evidenced by a certificate of compliance issued by the Inspector.
- E. Setback conflicts between septic system locations and structures may be resolved through acceptable written documentation from an MPCA licensed SSTS professional who is also a qualified civil engineer demonstrating that the proposed activity will not adversely impact the structure or SSTS.

#### **6.04 OPERATIONAL LICENSE REQUIRED.**

- A. A CSTS not managed under an operational permit by the MPCA and Type IV and V systems shall be licensed and shall comply with the licensing provisions of this section. In addition, such SSTS shall comply with Minn. Rules parts 7080.2290, 7080.2350, and 7080.2400, and chapter 7081, as applicable. An annual license fee shall be paid as established by resolution of the County Board.
- B. Licenses shall be valid for a period of up to 12 months from the date of issuance and shall be renewed annually. The license period for a new SSTS shall commence on March 1 following the year of installation. The annual license period shall be from March 1 to February 28/29. Annual reports required as a license condition shall be due by January 31.
- C. A building permit shall not be issued on any lot that has an SSTS in use as identified in item A. where the SSTS is not licensed as required in this section.
- D. Prior to issuing an SSTS license, the licensee must demonstrate that the SSTS is designed and installed to accommodate the current daily flow of wastewater and provide for adequate treatment. A current certificate of compliance may also be required. The compliance inspection must include a flow diagram for all sewage and commercial and industrial wastewaters.
- E. Licensees shall demonstrate at the time of license renewal that the SSTS has been monitored, properly maintained and is functioning in accordance with the approved design.
- F. Type I systems with only septic tank effluent screens are exempt from the operational license requirements.

#### **7.00 INSPECTIONS.**

- 7.01 INSPECTION REQUIRED.** Inspections are required by the Department for all County regulated SSTS prior to design approval, during construction and before being placed into service, in part or in whole. No SSTS shall be covered, in part or in whole, prior to an inspection by this Department unless prior verbal approval has been given by the Inspector.

- A. It shall be the responsibility of the permittee to notify the Inspector that the job is ready for inspection. The Department shall be notified before 9:00 A.M. on the requested day of the inspection. Failure to request an inspection before 9:00 A.M. on the requested day of the inspection may result in a scheduled inspection at a time other than requested and/or a delay or denial in the issuance of a Certificate of Compliance from the Inspector. The Department shall also be notified prior to commencement of any part of the installation if a weather event (such as freezing temperatures, rain or snow) that could adversely impact the SSTS during any part of the installation including final grading that is likely or predicted to occur.
- B. Failure of the Inspector to inspect the SSTS does not relieve or lessen the responsibility or liability of any person owning, controlling or installing any SSTS.
- C. The Inspector shall make every effort to inspect an SSTS within one hour of the scheduled inspection.
- D. The Inspector shall cause such inspections to be made as are necessary to determine compliance with this Ordinance. If upon inspection the Inspector discovers that any part of the SSTS is not constructed in accordance with the minimum standards provided in this Ordinance and the approved design, the Inspector shall give the licensed installer and/or the permittee written notification describing the defects.
- E. It shall be the responsibility of the permittee to provide the Inspector with free access to the property at reasonable times for the purpose of making inspections.
- F. The permittee shall pay applicable fees as established by resolution of the County Board.
- G. The permittee or installer, as determined by the Inspector, shall be responsible for the correction or elimination of all defects. No SSTS shall be placed or replaced in service until all defects have been corrected or eliminated. A Certificate of Compliance from the Inspector may be delayed or denied if the permittee or installer fails to correct or eliminate all defects as required by the Inspector.
- H. The permittee or SSTS professional representing the permittee shall be present during the installation inspection.

## **7.02 INSPECTION ALTERNATIVE.**

- A. If the Inspector is unable to inspect within twenty-four hours, the SSTS professional responsible for the installation must:
  - 1. Have verbal approval from the Inspector before commencing the installation of the SSTS.

2. Complete and sign an as-built drawing of the SSTS as installed (a copy of the original design will not be accepted). The as-built shall include a cross-section of the drainfield and tanks showing the depth the tank(s) was installed, the location of all maintenance holes, the number and height of maintenance hole risers, and the size and height of all inspection pipes. In addition, the as-built shall include trench depth, trench length, the type of rock or pipe used, the amount of backfill, the dimensions of the rockbed and sand base, the depth of sand below the rock, the size and separation of the pipe, the size and separation of perforations, the size and length of the pump line, the model, size and horsepower of the pump, the type and location of the alarm, the well location and any other pertinent information that the Inspector deems necessary to approve the SSTS.
  3. Leave the SSTS open for inspection as required by the Inspector, including the ends of each trench and the distribution device, or the four corners of the sand and rockbed of a mound.
  4. Sign, date and submit for approval an as-built drawing that includes a certified statement that the SSTS was built in accordance with Minn. Rules chapters 7080, 7081 and this Ordinance.
- B. Failure to receive verbal approval from the Inspector to cover an SSTS prior to completion of an inspection shall be cause to order the SSTS to be exposed for inspection. The amount of the SSTS to be exposed for inspection shall be determined by the Inspector at the time of inspection.

**7.03 COMPLIANCE INSPECTIONS REQUIRED.** A compliance inspection is required:

- A. When an inspection is done for any new or replacement SSTS;
- B. If a permit or variance is applied for to alter an existing SSTS;
- C. Any other time an SSTS is reviewed to determine if the SSTS is in compliance;
- D. When a permit is applied for a bedroom, to build a horizontal addition onto an existing structure, or to build an accessory structure on a lot having an ISTS;
- E. Any time the Scott County Zoning Ordinance No. 3 requires an inspection of an SSTS;
- F. Where a permit or an amendment to an existing permit is required for a change in use of a property (i.e. residential to commercial, commercial to industrial, etc., or the addition of a business, or a change of a business type or use) including additional parking or outside storage area; or
- G. When any parcel of land is developed, subdivided, rezoned or split and there is an existing SSTS on any of the parcels.

- H. Exemptions: The compliance inspection requirement may be waived when Department records indicate that the existing SSTS is not a cesspool, drywell, seepage pit, leaching pit, or other pit in an area highly susceptible to ground water contamination, is not an imminent threat to public health; and
1. There are acceptable design, construction, maintenance and location records of the SSTS; or
  2. There are limited options to locate a replacement SSTS and the permit activity will not result in an increase in water usage.

Prior to approving the permit, the Inspector may require the identification of an alternate site and that the tank(s) be pumped if records show that it has been more than six years since the tank(s) was last pumped. The action proposed in the building permit application shall not encroach upon the alternate site or the existing SSTS.

#### **7.04 REQUIREMENTS FOR A COMPLIANCE INSPECTION.**

- A. A compliance inspection shall be submitted to the Department on forms approved by the Department. At a minimum, a compliance inspection must determine whether or not the existing SSTS is a failing system or poses an imminent threat to public health or safety.
- B. The Compliance Inspector may allow for up to a 15 percent reduction in the vertical separation distance as described in Minn. Rules part 7080.1500 subp. 4 D.
- C. After a compliance inspection is done, the licensed professional who conducted the compliance inspection must submit a Certificate of Compliance or a Notice of Noncompliance to the Department within 15 days of the date of the inspection or at the time of permit application, whichever is first.

#### **7.05 SCHEDULE TO REPAIR OR REPLACE SSTS.**

- A. Any SSTS for which a Notice of Noncompliance has been issued shall be replaced or repaired in accordance with Table 1, except as provided in item E. below. Table 1 does not supersede compliance with Federal Class V requirements. Table 1 is based on information supplied to the County by the Minnesota Geological Survey.
- B. All owners of new or replacement Class V injection wells, as defined in Code of Federal Regulations, title 40, part 144, must submit inventory information to the U. S. Environmental Protection Agency and Scott County. All Class V wells must be identified as such in property transfer disclosures.
- C. Those SSTS that pose an imminent threat to public health and safety must immediately have the threat to public health abated by pumping, restricted use, or other means approved or ordered by the Inspector. This abatement must continue,

as needed, until the SSTS is upgraded, repaired, replaced or the use of the SSTS is discontinued.

D. Compliance with Table 1 may be waived when the Inspector determines that the existing SSTS is not an imminent threat to public health and:

1. Municipal sewer service to the lot is likely within five years;
2. There are acceptable design, construction, maintenance and location records of the SSTS; or
3. Constraints due to small lot size, topography or hydric or wet soils severely limit the options for replacement.

The Inspector may revoke the waiver and require the SSTS to be replaced within a specified timeframe if there is a change to one or more of the conditions that originally allowed the waiver. The Inspector may also allow the timeline for replacement outlined in Table 1 to be postponed to a later date for good cause or extenuating circumstances when doing so will not jeopardize public health.

**TABLE 1**

|   | Imminent Health Threat | Cesspool, Drywell, Leaching Pit, Seepage Pit or other Pit. | Less than the Required Vertical Separation per Minn. Rules part 7080.1500 subp. 4 D. & 4 E. |
|---|------------------------|--|---|
| Areas highly susceptible to ground water contamination      | 10 months              | 10 months  | 3 years   |
| Areas moderately susceptible to ground water contamination  | 10 months              | 3 years  | 5 years   |
| Areas with low susceptibility to ground water contamination | 10 months              | 5 years  | 10 years  |

E. An applicant for a building permit for the addition of a bedroom to an existing residence shall obtain an SSTS permit, if necessary, to upgrade, repair, replace or discontinue use of the SSTS in accordance with the most restrictive applicable timeline below:

1. Table 1 if the SSTS is failing, or
2. Within one year of the approved SSTS permit date if the existing SSTS is inadequate in size to accommodate the increased use.

**7.06 STOP WORK ORDER.** Whenever any work is being done contrary to the provisions of this Ordinance, the Inspector may order all work stopped by the installer or owner of

the land. All installation and construction shall cease and desist until subsequent authorization to proceed is given by the Inspector.

#### **7.07 SSTS PROFESSIONAL LISTS.**

- A. The Inspector may provide lists of SSTS professionals to the public. The lists will be for compliance inspectors, installers, maintainers and designers. The lists should be updated annually and include those SSTS professionals for which there are records of having performed satisfactory SSTS services in Scott County as determined by the Inspector within the previous three calendar years.
- B. Exception: SSTS professionals who have acted out of compliance with this Ordinance, as determined by the Inspector, will not be listed. Reasons for not being listing include, but are not limited to: failure to submit information to the Inspector resulting in a delay for issuing a notice of compliance; failure to submit pumping permits or compliance inspections as required; failure to submit adequate site evaluation information which prevents the issuance of an SSTS permit; outstanding SSTS fees owed to Scott County; or unresolved violations of this Ordinance.

#### **8.00 SSTS MAINTENANCE PROGRAM.**

The SSTS and all its components must be maintained in compliance with this Ordinance, Minn. Rules chapters 7080, 7081 and 7083 and any manufacturer requirements which do not conflict with the requirements of this Ordinance or the Rules adopted herein.

This maintenance program shall apply throughout Scott County in accordance with section 1.02.

#### **8.01 MANAGEMENT OF SEPTAGE.**

- A. The owner of any septic tank or the owner's agent shall regularly, but in no case less frequently than every three years (unless otherwise approved by the Department due to limited use), inspect and measure the accumulations of sludge, including the settled materials at the bottom of the tank, and the accumulations of scum, which includes grease and other floating materials at the top of the tank. The owner of any septic tank or the owner's agent shall arrange for the removal and sanitary disposal of septage from the tank whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than 3 inches above the bottom of the outlet baffle. Removal of septage shall include complete removal of scum and sludge.
- B. All septage removed from any portion of an SSTS shall be removed from the site in sealed tanks or containers and be managed in a manner approved by the Inspector and in accordance with all applicable rules and regulations.

- C. Recipients of septage used for the purpose of land application on their property shall obtain a license in accordance with the requirements of section 9.00 of this Ordinance.
- D. Any tank or related apparatus used for removing or transporting domestic septage shall be maintained and operated in such a manner as to avoid emission of offensive odors, spilling or loss of any septage.
- E. Septage removed from an SSTS shall be managed to prevent a nuisance or a menace to public health.
- F. Septage shall be land applied only at rates that will be agronomically beneficial.

**8.02 MAINTENANCE REQUIREMENTS.** Each pumping of every septic tank, holding tank, cesspool, interceptor, separator and flammable waste trap shall be reported by the maintainer to the Inspector on forms approved for that purpose by the end of the following month.

**8.03 MAINTENANCE INSPECTION REQUIREMENTS.** A maintenance inspection shall be conducted by a licensed SSTS professional and submitted on forms approved by the Department.

**8.04 OWNER RESPONSIBILITY.**

- A. It is the responsibility of the property owner or the owner's representative to maintain the SSTS and alternate sites in accordance with this Ordinance.
- B. The owner shall be responsible for assuring both access to the SSTS for maintenance and preventing damage to the SSTS from lot improvement activities such as landscaping, installing an irrigation system, construction or placement of small buildings, pools or other structures, and from activities that disturb or compact the soil such as planting crops, gardening, and driving vehicles over the SSTS.

**8.05 NOTIFICATION.** All owners who, according to Department records, have not had their SSTS pumped within the last three calendar years shall be notified by the Department.

**8.06 PERMIT REQUIRED.** A permit from the Department is required for each pumping and each maintenance inspection of a septic tank, cesspool, leaching pit, drywell, holding tank, pump chamber, or other portion of an SSTS. The licensed maintainer or permittee shall obtain the permit prior to any work being done. There shall be only one permit required for pumping all tanks one time in a single ISTS or per lot for a CSTS (unless performed by the Subordinate Service District in which case no permit is required). If there are more than one ISTS per property, a separate permit is required for each ISTS.

A permit is not needed to conduct a maintenance inspection.

Permit and other related fees shall be established by resolution of the County Board.

**8.07 RECORD KEEPING.** Scott County shall maintain a record of each SSTS inspected or pumped in Scott County.

## **9.00 LAND APPLICATION OF DOMESTIC SEPTAGE.**

**9.01 LICENSE REQUIRED.** No person shall land apply septage without first obtaining a license to conduct such operation. The license shall be issued by the Department; shall be renewable and may be revoked or refused for cause, in accordance with the Scott County Administrative Procedures Ordinance No. 13.

**9.02 LICENSE TERM.** Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this Ordinance shall be nontransferable and shall be for a period of not more than one year unless earlier suspended or revoked. The license year shall be from January 1 to December 31.

**9.03 LICENSE APPLICATION.** An applicant for a license shall complete and submit an application to the Department on a form approved by the Department. The application shall not be considered complete until the Department receives all applicable fees and all material required by this section. Applicants shall not commence any application activities until the license application has been reviewed and approved by the Department. In addition to the application form the applicant must submit the following:

- A. A license bond, in an amount established by the County Board, for each land application site.
- B. A certificate of insurance as established by the County Board.
- C. A field evaluation of each land application site.
- D. A map at a scale acceptable to the Inspector showing the location of each site that septage shall be applied. This shall include the parcel number, township, range, section number, and the name and address of all property owners.
- E. Soils information at each land application site. Soil information shall include soil borings and a soil survey map of each site.
- F. The proposed volumes of septage to be applied on each site.
- G. The proposed application method.
- H. The proposed date(s) of application.

- I. The maximum volume of septage that can be applied to each acre of land in each land application site. The following equation shall be used to determine the maximum volume applied:

$$\text{AAR} = \text{N}/0.0026$$

Where:

AAR = the annual application rate in gallons per acre per 365 day period.

N = the amount of Nitrogen in pounds per acre per 365 day period needed by the crop or vegetation to be grown on the land.

The maximum allowable volume of septage shall also take into account any nitrogen fertilizers applied in association with the septage.

#### **9.04 SITE RESTRICTIONS AND APPLICATION REQUIREMENTS.**

- A. Domestic septage shall either be injected or incorporated within six hours of surface application to a minimum depth of six inches. No significant amount of the domestic septage shall be present on the land surface within one hour after the domestic septage is injected.
- B. The site must be a non-public contact site.
- C. No land application is allowed in residential, shoreland, institutional or commercial/industrial zones.
- D. To avoid the uninformed public from coming into contact with the soil/septage mixture, the application site must be fenced, posted or at a remote location.
- E. Septage shall not be applied such that ponding or runoff occurs.
- F. Septage must not be applied to soils unless the soil has dried adequately from previous applications or rainfall so that ponding does not occur.
- G. Septage shall not be applied by spray irrigation or other methods that will cause aerosols to drift from the application site.

#### **9.05 SOIL SUITABILITY.** For the land application site to be suitable it must meet the following requirements:

- A. Have medium or fine surface textures with a surface permeability slower than twelve inches per hour (five minutes per inch). Land application shall not be done on sand or peat surface textures.
- B. Have a three-foot separation to the water table or bedrock.

- C. Have six inches of available water holding capacity between the application depth and the water table or bedrock.
- D. Must be free from flooding hazards.
- E. Have at least one horizon in the upper five feet that has a permeability of less than six inches per hour (ten minutes per inch).
- F. Must comply with Minn. Rules part 7041.1800 for pathogen reduction and vector control.

**9.06 SETBACK REQUIREMENTS.** The following separation distances (in feet) shall be met when land applying domestic septage:

|                        | Surface Applied | Injected/Incorporated |
|------------------------|-----------------|-----------------------|
| Occupied Building      | 300             | 150                   |
| Residential Area       | 600             | 300                   |
| Recreational Area      | 600             | 300                   |
| Commercial Development | 600             | 300                   |
| Recreational Trail     | 200             | 100                   |
| Municipal Well         | 1000            | 1000                  |
| Private Well           | 200             | 200                   |
| Property Line          | 25              | 25                    |
| Road Right-of-Way      | 50              | 25                    |

Surface Water, drainage tile surface inlet, or sinkhole setback distances are as follows:

| Percent Slope | May to October |   | November to April                           |
|---------------|----------------|---|---|
|               | Injected       | Surface applied Incorporated within 6 hours | Surface Applied Incorporated within 6 hours |
| 0-2           | 150            | 300   | 600   |
| 2-6           | 300            | 600   | not allowed                                 |
| 6-12          | 300            | not allowed                                 | not allowed                                 |

**SLOPE RESTRICTIONS:**

|               | Incorporated | Surface Applied |
|---------------|--------------|-----------------|
| Unfrozen soil | 12% or less  | 6% or less      |
| Frozen soil   | not allowed  | 2% or less      |

**9.07 ANNUAL REPORTING.** When septage is applied to the soil, the licensee shall submit to the Department the following information:

- A. The location of each site that septage is applied. This information shall include the Parcel Number, the Township, Range, and Section numbers and the name and address of the property owner(s).
- B. The total volume of septage that was land applied to each land application site.

- C. An annual report shall not be required for one time only application sites.
- D. The annual report must be submitted by January 31 of each year for the previous year.

## **10.00 ABANDONMENT OF AN SSTS.**

- A. All tanks must be abandoned in accordance with Minn. Rules part 7080.2500.
- B. A maintenance permit is required whenever a tank is abandoned.

## **11.00 VARIANCES.**

A variance from the provisions of this Ordinance may be applied for according to the provisions of section 6.00 of the Scott County Administrative Procedures Ordinance No. 13 as adopted herein. The County Board of Adjustment may grant variances from the provisions of this Ordinance upon such conditions as it may prescribe, consistent with the general purpose and intent of this Ordinance, the standards as adopted herein and according to the provisions of section 6.00 of the Scott County Administrative Procedures Ordinance No. 13.

## **12.00 LIABILITY.**

The Inspector charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of their duties, shall not thereby render themselves personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Inspector because of such act or omission performed by them in the enforcement of any provision of this Ordinance, shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning or controlling any parcel of property for any damages to persons or property caused by defects, nor shall the Inspector or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Ordinance or any certificates of inspection issued under this Ordinance.

## **13.00 VIOLATIONS AND PENALTIES.**

**13.01 MISDEMEANOR.** Any person who fails to comply with the provisions of this Ordinance may be charged with a misdemeanor and upon conviction thereof shall be punished thereof as provided by law. Any person who violates, omits, neglects or refuses

to comply with the provisions or the enforcement of this Ordinance, shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation of any provision of this Ordinance occurs or continues.

**13.02 INJUNCTIVE RELIEF.** In the event of a violation of this Ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations.

**13.03 CIVIL ACTION OR COST AS SPECIAL TAX.** If a person fails to comply with the provisions of this Ordinance, the County may recover the cost incurred for corrective action in a civil action in any court of competent jurisdiction.

**13.04 NOTICE ON PROPERTY TITLE.** The County may, after giving the property owner of record 30 days' written notification by mailing said notice to the property owner at their last known address on file for that parcel with the Scott County Land Records' Office, file a notice of non-compliance of the SSTS on the property title for any property served by a non-complying SSTS in addition to or in lieu of other remedies intended to achieve compliance. The property owner shall be responsible for any fees established by the County Board of Commissioners for posting, removing said notice and any established administrative fees for that purpose.

**14.00 EFFECTIVE DATE.**

The standards, procedures and provisions adopted herein shall be effective immediately upon the publication of the minutes of these proceedings in the official newspaper of the County, unless otherwise noted.

**15.00 SEVERABILITY.**

It is hereby declared to be the intention that the several provisions of this Ordinance are severable in accordance with the following: If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

**16.00 AMENDMENTS.**

The procedure for amending this Ordinance is the same as prescribed by law for its adoption.

Adopted by the Scott County Board of Commissioners this 26<sup>th</sup> day of January, 2010.