

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER FOUR

SEWAGE AND WASTEWATER TREATMENT REGULATIONS

SECTION 1. INTENT AND PURPOSE

1. Purpose. The purpose of the Sewage and Wastewater Treatment Regulations is to establish minimum requirements for regulation of Subsurface Sewage Treatment Systems (SSTS) for the treatment and disposal of sewage within the applicable jurisdiction of the County in order 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 their health, safety, general welfare, and natural resources.
2. Intent. It is intended by the County that this chapter will promote the following:
 - A. The present and future protection of Renville County's lakes, rivers and streams, wetlands, and groundwater essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.
 - B. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants thereby protecting the degradation of surface water and groundwater quality.
 - C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination of natural resources; and if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
 - D. The appropriate utilization of privy vaults, holding tanks, and other non-water carried sewage collection and storage facilities.
 - E. The provision of technical assistance and education, plan review, inspections, SSTS surveys, and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater-related hazards, and public nuisance conditions.
 - F. The establishment of minimum standards of septage removal, transport, treatment, and disposal.
3. Scope. This chapter regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the unsewered areas

of Renville County. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS sited, designed, installed, operated, and maintained in accordance with the provisions of the chapter or by a system that has been permitted by the MPCA. This chapter establishes the following:

- 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 Renville County incorporating by reference minimum standards established by Minnesota Statutes and Administrative Rules of the Minnesota Pollution Control Agency (MPCA).
- 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, and abandonment of SSTS and proper disposal of septage.
- E. Penalties for failure to comply with these provisions.
- F. Provisions for enforcement of these requirements.
- 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 Renville County Comprehensive Plan; and the Renville County Land Use Ordinance.

SECTION 2. JURISDICTION

The jurisdiction of this chapter shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by ordinance within their incorporated jurisdiction, which is at least as strict as this chapter and has been approved by the MPCA. Renville County Environmental Services shall keep a current list of local jurisdictions within the County administering an SSTS program.

SECTION 3. AUTHORITY

This chapter is adopted pursuant to Minnesota Statutes, Sections 115.55, 145A.01-145A.08, and 375.51; or successor statutes; and Minnesota Rules, Chapters 7080, 7081, 7082, and 7083; or successor rules.

SECTION 4. EFFECTIVE DATE

The provisions set forth in this chapter shall become effective after its passage, publication, and recording as provided by law.

SECTION 5. ADMINISTRATION

1. County Administration. Renville County Environmental Services shall administer the SSTS program and all provisions of this chapter. At appropriate times, the County shall review, revise, and update this chapter as necessary.
2. State of Minnesota. Where a single SSTS or group of SSTS under single ownership within one-half mile of each other have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System Permit from the MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System Permit is required.

SSTS serving establishments or facilities licensed or otherwise regulated by the state shall conform to the requirements of this chapter.

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

SECTION 6. VALIDITY

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

SECTION 7. LIABILITY

Any liability or responsibility shall not be imposed upon the Department or the MPCA 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 SSTS regulated under this chapter by reason of standards, requirements, or inspections authorized hereunder.

SECTION 8. GENERAL REQUIREMENTS

1. Retroactive.
 - A. All SSTS. Except as set forth in Section 8.1.B below, all provisions of this chapter shall apply to any SSTS regardless of the date it was originally permitted.

- B. Existing SSTS Permits. Unexpired permits which were issued prior to the effective date of this chapter shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership, whichever is earlier.
 - C. SSTS on Lots Created Before January 23, 1996. All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200-7080.2230, or site conditions described in Chapter 7081.0270, Subp. 3-7.
2. Upgrade, Repair, Replacement, and Abandonment.
- A. SSTS Capacity Expansions. Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this chapter at the time of expansion.
 - B. Failure to Protect Groundwater. An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.B, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this chapter within 12 months of receipt of a Notice of Noncompliance.
 - C. Imminent Threat to Public Health or Safety. An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.A, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this chapter within 10 months of receipt of a Notice of Noncompliance.
 - D. Abandonment. Any SSTS, or any component thereof, which is no longer intended to be used must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.
3. SSTS in Flood Plains. SSTS shall not be located in a floodway and, wherever possible, location within any part of a flood plain shall be avoided. If no option exists to locate an SSTS outside of a flood plain, 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 40 Code of Federal Regulations, Part 144, are required by the federal government to submit SSTS inventory information to the Environmental Protection Agency as described in 40 Code of Federal Regulations, Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

5. SSTS Licensing Requirements.

- A. 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 the MPCA in accordance with Minnesota Rules, Chapter 7083, except as exempted in Chapter 7083.0700.
- B. Property owners exempted from SSTS licensing requirements under Minnesota Rules, Chapter 7083.0700, must comply with the following additional provisions:
 - i. A property owner must follow all applicable County, state, and federal requirements for permitting and construction of an SSTS.
 - ii. A property owner shall not construct an SSTS that requires a pump, or any SSTS to be located in a wellhead protection area or in a flood plain area, without the assistance of a licensed installation business or a certified installer at the site.
 - iii. The property owner shall provide a signed agreement to the Department which indemnifies and saves the County holding it harmless from all losses, damages, costs, and charges that may be incurred by the County due to failure of the permittee to conform to and comply with the provisions of this chapter.
 - iv. The licensed design business or certified designer of the SSTS must be present at the site during the compliance inspection conducted by the Department or its agent.

6. Prohibitions.

- A. **Occupancy or Use of a Building without a Compliant SSTS.** It is unlawful for any person to maintain, occupy, or use any building designed to discharge domestic waste and greywater that disposes of wastewater in a manner that does not comply with the provisions of this chapter.
- B. **Sewage Discharge to Ground Surface or Surface Water.** It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this chapter 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 administered by the MPCA.
- C. **Sewage Discharge to a Well or Boring.** It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in

Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this chapter.

- D. Discharge of Hazardous or Harmful Materials. It is unlawful for any person to discharge into any treatment system regulated under this chapter any hazardous or harmful material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

SECTION 9. SSTS STANDARDS

1. Standards Adopted by Reference. The County hereby adopts by reference U.S. Environmental Protection Agency Rules; 40 Code of Federal Regulations, Part 503; and Minnesota Rules, Chapters 7080 and 7081, in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statutes, Chapter 115.55.
2. Amendments to the Adopted Standards.
 - A. Determination of Hydraulic Loading Rate and SSTS Sizing. Tables IX and IXa from Minnesota Rules, Chapter 7080.2150, Subp. 3.E, entitled "Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detailed Soil Descriptions" and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this chapter.
 - B. Compliance Criteria for Existing SSTS.
 - i. 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 disposal system and seasonal saturation or bedrock.
 - ii. 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 Minnesota Rules, Chapter 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. When determining vertical separation distance, a variance reduction of up to five inches will be allowed to account for settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer conditions.

- iii. The vertical separation measurement for Sections 9.2.B.i and 9.2.B.ii above shall be made outside the area of system influence but in an area of similar soil.

C. Holding Tanks.

- i. A holding tank may be allowed by the Department as a replacement for an existing failing SSTS, an SSTS that poses an imminent threat to public health or safety, or for new construction where it can be shown conclusively that an SSTS permitted under this chapter cannot be feasibly installed or is not the most suitable treatment.
- ii. A holding tank may be allowed under the following conditions:
 - a. The holding tank shall be installed, operated, maintained, and monitored in accordance with Minnesota Rules, Chapter 7080, and this chapter.
 - b. The owner shall maintain a valid contract with a licensed maintenance business to pump liquids and solids from the holding tank and transport septage to a licensed treatment facility or land apply septage as permitted under this chapter prior to overflow or any discharge.
 - c. The holding tank shall be regularly pumped on a schedule agreed upon with the Department.
 - d. Failure to meet these requirements may result in enforcement action as outlined in Section 17 of this chapter.

SECTION 10. VARIANCES

- 1. Variance Requests. A property owner may request a variance from the standards as specified in this chapter pursuant to County policies and procedures noted in Chapter One (Administration), Section 5 (Board of Adjustment and Appeals), of the Renville County Land Use Ordinance.
- 2. Affected State Agency. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected state agency pursuant to the requirements of the state agency. Variance requests to deviate from the design flow determination procedures in Minnesota Rules, Chapter 7081.0110, if the deviation reduces the average daily estimated flow from greater than 10,000 gallons per day to less than 10,000 gallons per day, or to provisions in Minnesota Rules, Chapter 7080.2150, Subp. 2.A-2.D, and Chapter 7081.0080, Subp. 2-5, regarding the vertical separation required beneath the treatment and disposal soil system and saturated soil or bedrock from the required three feet of unsaturated soil material (except as provided in Section 9.2.B of this chapter) must be approved by the MPCA.

Variations to wells and water supply lines must be approved by the Minnesota Department of Health.

3. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall have the authority only to consider variances to horizontal setbacks from the property lines, rights-of-way, structures, or buildings. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Renville County Comprehensive Plan and where there are practical difficulties or particular hardship in meeting the strict letter of this chapter.

SECTION 11. SSTS PERMITTING

1. Permit Required. It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department.
2. Construction Permit. A construction permit shall be obtained by the property owner or an agent of the property owner from the Department 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 construction activity is sited, designed, and constructed in accordance with the provisions of this chapter by an appropriately certified individual and/or licensed business.
 - A. Activities Requiring a Construction Permit. A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
 - B. Activities Not Requiring a Construction Permit. A construction permit is not required for minor repair or replacement 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.
 - C. Construction Permit Required to Obtain Land Use (Zoning) Permit. For any new construction or addition or alteration of an existing building for which an SSTS permit is required, approval and issuance of a valid SSTS construction permit must be obtained in conjunction with the issuance of a Land Use (Zoning) Permit by the Department.
 - D. Conformance to Prevailing Requirements. Any activity involving an existing system that requires a construction permit shall require that the entire system be brought into compliance with this chapter.

- E. Construction Permit Application Requirements. Construction permit applications shall be made on forms provided by the Department and shall include the following information:
- i. Name, mailing address, and telephone number of the property owner.
 - ii. Property identification number, address, and legal description of the property.
 - iii. Site evaluation report as described in Minnesota Rules, Chapter 7080.1730.
 - iv. Design report worksheets.
 - v. Management plan as described in Minnesota Rules, Chapter 7082.0600.
 - vi. A certified statement signed by all licensed businesses or certified individuals conducting work on the system.
 - vii. Name, mailing address, telephone number, and SSTS license number of the system designer and system installer. If work is conducted under a restricted license to gain experience, the commissioner-designated mentor must also provide their name, mailing address, telephone number, and SSTS license number.
 - viii. Any other information requested by the Department that is pertinent to the application.
- F. Construction Permit Application Review and Response. The Department shall review a construction permit application and supporting documents within 10 business days of its receipt. Upon satisfaction that the proposed plans and design information conform to the provisions of this chapter, the Department shall issue an approval letter authorizing construction of the SSTS as designed.

In the event there is any change to the approved application, the designer must submit an amended application to the Department detailing the changed conditions for review and approval or denial prior to initiating or continuing construction, modification, or operation. The Department shall complete the review of the amended application within 10 business days of its receipt.

If the permit application is incomplete or does not meet the requirements of this chapter, the Department shall deny the application. A written notice of denial shall be provided to the applicant, which must state the reason for the denial. No construction permit shall be approved until such time as all

additional information noted in the written notice of denial by the Department has been submitted and approved by the Department.

- G. Appeal. The designer may appeal the Department's decision to deny the construction permit in accordance with the County's established policies and appeal procedures set forth in Chapter One (Administration) of the Renville County Land Use Ordinance.
- H. Permit Expiration. The construction permit is valid for a period of one year from its date of issue and may be extended for one additional year with Department approval. If construction does not proceed within the valid permit period, the construction permit shall expire and all permit fees shall be forfeited. Satisfactory completion of construction shall be determined following a final inspection and receipt of all required as-builts. Upon final review, a Certificate of Compliance will be issued to the property owner by the Department or its agent that the construction or installation of the system was completed in substantial conformance with the approved design plans.
- I. Extensions and Renewals. The Department may grant an extension of the construction permit if the construction has commenced prior to the original expiration date of the permit.
- J. Transferability. A construction permit shall not be transferred to a new owner. The new owner must apply for a new construction permit in accordance with this section.
- K. Suspension or Revocation. The Department may suspend or revoke a construction permit issued under this section for any false statements, misrepresentations of facts on which the construction permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid construction permit is obtained.
- L. Posting. The construction permit shall be readily available on the property for inspection until construction is completed and certified.

SECTION 12. OPERATING PERMIT

- 1. SSTS Requiring an Operating Permit. An operating permit shall be required of all owners of new MSTs, Type IV and Type V systems, or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a MSTs until the Department or its agent issues a Certificate of Compliance certifying

that the MSTS was installed in substantial conformance with the approved design plans and a valid operating permit is issued to the owner.

2. Operating Permit Application Requirements. Application for an operating permit shall be made on a form provided by the Department which shall include the following information:
 - A. Name, mailing address, and telephone number of the property owner.
 - B. Property identification number, address, and legal description of the property.
 - C. Construction permit date of issue.
 - D. Final as-built design drawings of the treatment system.
 - E. Any other information requested by the Department that is pertinent to the application.
3. Department Review and Approval. The Department shall review the design drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness within 10 business days of their receipt. If any deficiencies are identified, the operating permit shall be denied. A written notice of the denial shall be sent to the applicant stating all deficiencies that need to be corrected to the satisfaction of the Department prior to the issuance of an operating permit. If the submitted documents fulfill the requirements, the Department shall issue an operating permit within 10 business days of receipt of the permit application.
4. SSTS Operating Permit Terms and Conditions. The operating permit shall include the following information:
 - A. System operating requirements.
 - B. System monitoring requirements.
 - C. System maintenance requirements including maintenance schedule.
 - D. System compliance limits and boundaries.
 - E. Reporting schedule.
 - F. Department notification requirements for non-compliant conditions.
 - G. Valid contract between the owner and a licensed maintenance business.

- H. Disclosure of the location and condition of the additional soil treatment and dispersal system site.
 - I. Descriptions of acceptable and prohibited discharges.
5. Operating Permit Expiration. Operating permits shall be valid for the specific term stated on the permit as determined by the Department. An operating permit shall be renewed in conformance with the application requirements as outlined in this section.
 6. Amendments to Existing Operating Permits Not Allowed. The Department may not amend an existing permit to reflect changes in this chapter until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.
 7. Operating Permit Transfers. The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with Section 12.2 of this chapter. The Department shall not terminate the current permit until 60 calendar days after the date of sale unless an imminent threat to public health or safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system by a licensed inspection business, a certified inspector, or a qualified employee.
 8. Operating Permit Suspension and Revocation. 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 or revocation and the reasons for this action taken 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 with Section 13.2 of this chapter. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.
 9. Operating Permit Compliance Monitoring.
 - A. Performance monitoring of an SSTS shall be performed by a licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
 - B. A monitoring report shall be prepared and certified by the licensed service provider. The report shall be submitted to the Department on a form provided or approved by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:

- i. Owner name, mailing address, and telephone number.
- ii. Property address.
- iii. Operating permit number.
- iv. Average daily flow since last compliance monitoring report.
- v. Description of type of maintenance or repair and date performed.
- vi. Description of samples taken (if required), analytical laboratory used, and results of analyses.
- vii. Problems noted with the system and actions proposed or taken to correct them.
- viii. A certified statement signed by a licensed business or certified individual who performed the work on the system.

SECTION 13. ABANDONMENT REPORTING

1. Purpose. The purpose of system abandonment reporting is to ensure that a treatment system no longer in service is abandoned, within a reasonable time following decommissioning, in a manner that protects public health, safety, and water quality. It also terminates all permits associated with the system.
2. Abandonment Requirements.
 - A. Whenever the use of an SSTS or any system component is discontinued as the result of a system repair, modification, replacement, or decommissioning following connection to a municipal or private sanitary sewer or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this chapter shall be prohibited and the SSTS and any system component thereof shall be abandoned.
 - B. Continued use of an existing sewage tank where the tank is to become an integral part of a replacement system or a sewage treatment system requires certification of the tank by an appropriately licensed business or certified individual that the tank is watertight and in compliance with all applicable SSTS tank standards.
 - C. System abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification to the Department of an owner's intent to abandon a system is necessary.

- D. A report of abandonment certified by an individual, licensed business, or certified individual shall be submitted to the Department within 30 calendar days of system abandonment. The report shall include:
 - i. Owner's name, mailing address, and telephone number.
 - ii. Property address.
 - iii. The reason(s) for abandonment.
 - iv. A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals.
 - v. A certified statement from an individual, licensed business, or certified individual that the abandonment was completed in accordance with Minnesota Rules, Chapter 7080.2500.

SECTION 14. MANAGEMENT PLAN REQUIREMENTS

- 1. SSTS Requiring Management Plans. Management plans are required for all new or replacement SSTS. The management plan shall be submitted by the designer to the Department along with the construction permit application. If the SSTS is modified during construction, the management plan shall be revised and resubmitted to the Department prior to the issuance of a Certificate of Compliance.
- 2. Required Contents of a Management Plan. Management plans shall include the following:
 - A. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform.
 - B. Monitoring requirements.
 - C. Maintenance requirements including maintenance procedures and a schedule for routine maintenance.
 - D. Statement that the owner is required to notify the Department when the management plan requirements are not being met.
 - E. Disclosure of the location and condition of the additional or replacement soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
 - F. Other requirements as determined by the Department.

3. Requirements for Existing Systems Not Operated Under a Management Plan. Existing SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

SECTION 15. COMPLIANCE MANAGEMENT

1. Compliance Inspection Requirements.
 - A. Department Responsibility. It is the responsibility of the Department or its agent to perform various SSTS compliance inspections periodically to assure that the requirements of this chapter are met.
 - B. General Requirements.
 - i. SSTS compliance inspections must be conducted:
 - a. To ensure compliance with applicable chapter requirements.
 - b. To ensure system compliance before issuance of a Land Use (Zoning) Permit for new construction or an addition to a dwelling, commercial/industrial structure, or other building requiring an SSTS.
 - c. For all new SSTS construction or SSTS replacement, alteration or repair work, property transfers, and under certain conditions for existing systems and following the issuance of a Conditional Use Permit or Variance.
 - d. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700, using the SSTS inspection report forms provided by MPCA.
 - ii. All compliance inspections must be performed and signed by a licensed inspection business, a certified inspector (independent of the SSTS installer), or a qualified employee certified as an inspector. The Certificate of Compliance must include a certified statement by the inspector who conducted the inspection that the SSTS is or is not in compliance with the chapter requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those chapter provisions with which the SSTS

does not comply. The Certificate of Compliance or notice of noncompliance for new construction or replacement systems must be submitted to the property owner and the Department no later than 15 days after the date the compliance inspection was performed. No SSTS shall be placed into operation until a valid Certificate of Compliance has been issued.

- iii. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. The Department shall notify the owner of the Department's intent to inspect the SSTS in advance of the intended inspection.
- iv. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this chapter. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- v. An As-Built Report shall be submitted to the Department within 14 business days of completion of the work on the SSTS. These shall be submitted on forms provided or approved by the Department.
- vi. Certificates of Compliance for new SSTS construction or SSTS replacement shall remain valid for five years while Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.
- vii. Neither the issuance of permits, Certificates of Compliance, nor notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or noncompliance with the provisions of these standards and regulations.

2. Department Inspection Requirements. The installer shall notify the Department prior to the completion and covering of the SSTS. The installation and construction of the SSTS shall be in accordance with the approved construction permit requirements and design. If any SSTS component is covered before being inspected by the Department, it shall be uncovered upon the direction of the Department. Proposals to alter the construction permit shall be reviewed by a licensed designer and the proposed changes approved by the Department prior to construction. An inspection shall be conducted at least once during the construction of the SSTS at such time as to assure that the system has been constructed per submitted and approved design.

A. Notifications for Inspections.

- i. It shall be the duty of the installer to notify the Department before or on the business day preceding the day an inspection is desired and at least 24 hours in advance of the desired inspection time. The installer shall confirm the inspection time with the Department during the morning of the business day of the scheduled inspection.
- ii. If the installer provides proper notice as described above and the Department does not appear for an inspection within two hours after the time set for an inspection, the installer may complete the installation. The installer shall then file a signed As-Built Report, including photographs of the system prior to covering, with the Department within 14 business days of completion. The As-Built Report shall include a certified statement that the work was installed in accordance with construction permit design and permit conditions and that it was free from defects.
- iii. If the Department or its agents is unable to schedule an inspection time or fails to meet the inspection timeline outlined in Section 15.2.A.ii above, the installer shall provide the Department with an As-Built Report and pictures of the following SSTS areas:
 - a. All sewage tanks showing the manufacturer, tank size, maintenance opening, and inspection pipes.
 - b. The soil treatment area with distribution pipes in place.
 - c. The finished system showing final grade and inspection pipes.
 - d. Any other pictures or information as required by the Department.

If pictures are not submitted to the Department, a Certificate of Compliance shall not be issued. The designer/installer shall then be required to submit a compliance inspection report by a licensed inspector business or a certified inspector independent of the owner, SSTS installer, and SSTS designer to the property owner and the Department within 15 days after the date the compliance inspection was performed.

B. Compliance Inspection Reports.

- i. A compliance inspection report shall be prepared by the Department following an SSTS compliance inspection or review of as-built plans submitted in accordance with Section 15.2.A.ii. A Certificate of Compliance or notice of noncompliance must include a certified

statement by a certified inspector or qualified employee identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules, Chapters 7080 or 7081.

- ii. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a written statement specifying those chapter provisions with which the SSTS does not comply.
- iii. A copy of the Certificate of Compliance or notice of noncompliance shall be provided to the property owner within 15 business days of the compliance inspection and a copy kept on file in the Department.

3. Mandatory Compliance Inspection Requirements.

- A. New Construction or Replacement SSTS. Compliance inspections must be performed on any new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. SSTS found not to be in compliance with Minnesota Rules, Chapter 7080.1500, Subp. 4.A, or Chapter 7081.0080, Subp. 3, must be upgraded, repaired, replaced, or abandoned within 10 months. An SSTS that is determined to have operation or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the operating permit. An SSTS found to be noncompliant with other applicable requirements must be upgraded, repaired, replaced, or abandoned according to the Department's requirements.
- B. Existing SSTS.
 - i. Compliance inspections shall be required when any of the following conditions occur:
 - a. When a construction permit is required to repair, modify, or upgrade an existing system.
 - b. Any time there is a Land Use (Zoning) Permit issued for the expansion, enlargement, or intensification of a dwelling, commercial/industrial structure, or other building that requires or is being served by an SSTS.
 - c. Any time there is a change in use of a building or property being served by an existing SSTS which may impact the performance of the system.
 - d. At any time the Department receives an SSTS complaint or other notice of a system malfunction or failure.
 - e. At the time of property sale or transfer.

- f. During systematic shoreland or area-wide SSTS surveys by the Department.
 - g. Any time a Conditional Use Permit is granted by the Board of County Commissioners or a Variance is granted by the Board of Adjustment and Appeals and there are buildings or structures that require on-site sewage disposal systems associated with the approved applications.
 - h. Any time an operating permit is renewed.
- ii. A compliance inspection of an existing SSTS shall be reported on the inspection report forms provided by MPCA. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department no later than 15 days after the date the inspection was performed. The following conditions must be assessed or verified:
- a. A water tightness assessment of all sewage tanks including a leakage report.
 - b. The 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. A vertical separation report shall include verifications by two independent parties which may be a licensed inspection business, a certified inspector, and/or a qualified employee. If there is a dispute between the two verifying inspectors, the disputing parties must follow the dispute resolution procedure described in Minnesota Rules, Chapter 7082.0700, Subp. 5.
 - c. The presence of sewage backup, surface seepage, or surface discharge. A hydraulic function report must be completed that includes the methods used to make the assessment.
- iii. All compliance inspections of existing SSTS occurring during the period between November 1 and April 30 when SSTS compliance cannot be determined due to frozen soil conditions shall require an agreement between the buyer and the seller stipulating which party is responsible to contract with a licensed inspection business or a certified inspector to complete a compliance inspection by the following June 1. A copy of the agreement shall be submitted to the Department. If upon inspection the system is found to be noncompliant, the SSTS must be upgraded and a Certificate of Compliance issued within 10-12 months of the date of noncompliance.

C. Sale or Transfer of Property.

- i. No owner or other person acting with legal authority on behalf of an owner of a tract of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS is located, shall convey to another party the tract of land unless the following requirements are met:
 - a. A compliance inspection has been performed and a Certificate of Compliance has been issued within the past three years for an existing SSTS or within the past five years if the system is a new SSTS or replacement SSTS prior to the intended sale or transfer of the property. The compliance inspection must have been performed by a licensed inspection business or a certified inspector following procedures described in Section 15.1 of this chapter.
 - b. The seller of the property must disclose in writing information about the location and status of all known SSTS on the property to the buyer on a Property Transfer Disclosure Form provided by the Department. The form must be signed by both parties to the transaction.
 - c. If the seller fails to provide a Certificate of Compliance, or if a compliance inspection indicates a notice of noncompliance, or if the seller is unable to complete a compliance inspection due to frozen soil conditions as outlined in Section 15.3.C.iv, the seller or the buyer shall provide sufficient security in the form of an escrow agreement to assure the installation of a complying SSTS. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney at law, or federal or state-chartered financial institution. The amount escrowed shall be equal to 100% of a written estimate to install a complying SSTS provided by a licensed installation business or certified installer; or if a written estimate cannot be completed due to frozen soil conditions, the amount escrowed shall be equal to 100% of the annual average cost of a mound system as determined by the Department. The escrow agreement shall list Renville County as having the “release authority” of the escrow monies, which shall not be released until a Certificate of Compliance is issued by the Department or its agent. After a complying SSTS has been installed and a Certificate of Compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance, which shall cause the escrow to be released. A copy of the escrow agreement and written estimate must be submitted to the Department.

- ii. The property transfer compliance requirements of Sections 15.3.C.i.a and 15.3.C.i.c above need not be met if the sale or transfer involves the following circumstances:
 - a. The affected tract of land is without buildings or contains no dwelling or other buildings that require an SSTS.
 - b. The transfer does not require the filing of a Certificate of Real Estate Value as described in Minnesota Statutes, Chapter 272.115, Subd. 1.
 - c. The sale or transfer completes a contract for deed or purchase agreement entered into prior to January 1, 1999. This subsection applies only to the original vendor and vendee on such a contract.
 - d. The dwelling and/or all other buildings on the site are connected to a municipal wastewater treatment system or to an approved wastewater treatment facility other than an individual sewage treatment system.
- iii. If the compliance inspection indicates a notice of noncompliance, the buyer and seller shall provide the Department with a signed agreement indicating which party is financially responsible along with a timeline for the upgrade, repair, replacement, or abandonment of the SSTS. The noncompliant SSTS must be upgraded, repaired, replaced, or abandoned within 10 months of the date of closing if the system is determined to be an imminent threat to public health or safety or within 12 months of the date of closing if the system is determined not to be protective of groundwater. A copy of the agreement must be submitted to the Department.
- iv. All property conveyances of existing SSTS occurring during the period between November 1 and April 30 when SSTS compliance cannot be determined due to frozen soil conditions shall require a written agreement between the buyer and the seller stipulating the party responsible to complete a compliance inspection by a licensed inspection business or a certified inspector by the following June 1 and which party is financially responsible for the upgrade, repair, replacement, or abandonment of the SSTS if a notice of noncompliance is issued. If upon inspection the system is found to be noncompliant, the SSTS must be repaired or replaced in a timeframe as outlined in Section 15.3.C.iii. If upon inspection the system is found to be compliant, the Department shall provide the escrow agent a copy of the Certificate of Compliance, which shall cause the escrow to be released. A copy of the agreement shall be submitted to the Department.

- v. The Department Property Transfer Disclosure Form, the MPCA compliance inspection form for existing SSTS, any written estimates, and any agreements required between the buyer and the seller shall be filed with the County Auditor/Treasurer along with the Certificate of Real Estate Value.
- vi. No real property shall be transferred unless the parties to the transaction have complied with the requirements of this chapter.

SECTION 16. SEPTAGE DISPOSAL

1. Disposal Requirements. Land application of domestic septage shall comply with U.S. Environmental Protection Agency rules as found in 40 Code of Federal Regulations, Part 503, entitled “Standards for the Use or Disposal of Sewage Sludge” to ensure the sewage sludge is used or disposed of in a way that protects human health and the environment. Licensed maintainer businesses who remove liquid or solid material waste from a sewage tank, cesspool, portable toilet, Type III marine sanitation device, or similar devices within Renville County must be able to provide maintenance business pumping recordkeeping information to the Department upon request.
2. Use of Municipal Sewage Treatment Facilities. If septage is disposed of into a municipal sewage treatment facility, a written agreement must be initiated and maintained between the accepting facility and the septage disposal firm. The written agreement must be provided to the Department upon request.

SECTION 17. ENFORCEMENT

1. Violations.
 - A. Cause to Issue a Notice of Violation. Any person, firm, agent, or corporation who violates any of the provisions of this chapter or who fails, neglects, or refuses to comply with the provisions of this chapter, 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 Statutes. Each day that a violation exists shall constitute a separate offense.
 - B. 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 chapter. The notice of violation shall contain:

- i. A statement documenting the findings of fact determined through observations, inspections, or investigations.
 - ii. A list of specific violation(s) of this chapter.
 - iii. A list of the specific requirements for correction or removal of the specified violation(s).
 - iv. A mandatory time schedule for correction, removal, and compliance with this chapter.
 - v. A statement noting the specific enforcement actions that will be taken if corrective action is not completed.
 - C. State Notification of Violation. In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed business or certified individual or any septage removal by a licensed maintenance business or a certified maintainer that is performed in violation of the provisions of this chapter.
 - D. 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 Board of County Commissioners, the cost of an enforcement action under this chapter may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor/Treasurer shall extend the cost as assessed and charged on the tax roll against said real property.
- 2. Enforcement.
 - A. Enforcement of the Sewage and Wastewater Treatment Regulations shall be done in accordance with process and procedures established in Chapter One (Administration), Section 14 (Enforcement), of the Renville County Land Use Ordinance.
 - B. Cease and Desist Orders. Cease and desist orders may be issued when the Department has probable cause that an SSTS activity regulated by this chapter, any other chapter of the Land Use Ordinance, or any other County Ordinance is being or has been conducted without a permit or in violation of a permit or an Ordinance. 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.

SECTION 18. RECORDKEEPING

1. Current Record. The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, and other actions taken relevant to each system.
2. Annual Report. The Department shall provide an annual report of SSTS permitting activities to MPCA by a date determined by the MPCA for the previous calendar year.

SECTION 19. FEES

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

SECTION 20. SEPARABILITY

Administration of the Sewage and Wastewater Treatment Regulations with regard to interpretation, conflict, and separability shall be done in accordance with policies established in Chapter One (Administration), Section 3.2 (Separability), of the Renville County Land Use Ordinance.

SECTION 21. EFFECTIVE DATE

The regulations in this chapter shall become effective from and after its publication according to law.