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# CHAPTER 1

## ADMINISTRATION

**Subdivision 1. Purpose.** The purpose of the Sewage and Wastewater Treatment Ordinance shall be to provide minimum standards for the regulation of subsurface sewage treatment systems (SSTS) and septage disposal including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minn. Stat. Chapters 115 and 145A and Minnesota Rules Chapter 7080, 7081, 7082 and 7083 and as amended that may pertain to sewage and wastewater treatment.

**Subdivision 2. Objective.** The principal objectives of this Ordinance shall include the following:

- (1) The protection of Martin County's lakes, wetlands, rivers and streams and supplies of groundwater essential to the promotion of public health, safety and welfare; the protection of the County's environment and its socioeconomic growth and development of the County in perpetuity.
- (2) Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper septage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.
- (3) The provision of establishing minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
- (4) The provision of establishing minimum standards for septage removal, transport, treatment and disposal.
- (5) The utilization of privy vaults and other non-water carried SSTS.
- (6) The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, SSTS surveys and complaint investigations, as well as through technical assistance and education.

**Subdivision 3. Scope.** This Ordinance shall regulate the design, construction and repair of SSTS in Martin County, including but not necessarily limited to individual on-site and cluster or community SSTS privy vaults and other non-water carried SSTS, repair and/or replacement of failing SSTS and septage disposal. All sewage generated in unsewered areas of the county shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

**Subdivision 4. Standard Adopted by Reference.** This Ordinance hereby adopts by reference Minnesota Rules Chapter 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 Statue 115.55.

### **Subdivision 5. Administration by State Agencies.**

- (1) For an on-site SSTS, or group of systems that are located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a State Disposal System Permit from the Minnesota Pollution Control Agency if the on-site SSTS or group of systems are designed to treat an average design flow greater than 10,000 gallons per day.
- (2) For dwellings, including apartment, townhouses, resort units, rental cabins and condominiums, the sum of the flows from the existing and proposed sources under single management or ownership will be used to determine the need for a State Disposal System Permit.
- (3) SSTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota including, but not limited to, campgrounds, resorts, mobile home parks, and eating and drinking establishments, shall conform to state and local requirements.
- (4) Plans and specifications must receive appropriate state and local approval before construction is initiated.

**Subdivision 6. Administration by Martin County.** The Martin County Planning and Zoning Department shall regulate SSTS and septage disposal in Martin County pursuant to this Ordinance.

- (1) The Department shall have the following duties and responsibilities:
  - (A) To review all applications for SSTS;
  - (B) To issue all permits required by this Ordinance;
  - (C) To inspect work in progress and to perform the necessary tests to determine its conformance with this Ordinance;
  - (D) To investigate complaints regarding SSTS and septage disposal;
  - (E) To perform compliance inspections;
  - (F) To issue certificates of compliance or notices of non-compliance where appropriate;
  - (G) To issue Stop Work Orders and Notices of Violation, pursuant to this Ordinance;
  - (H) To take complaints to the County Attorney for violations of the Ordinance;
  - (I) To maintain proper records for SSTS and septage disposal including site evaluation records, design records including calculations and summaries for all system component sizings and as-builts; and
  - (J) To submit annual reports to the MPCA to demonstrate enforcement of the local Ordinance per Chapter 7082.0500 and 7082.0600.
  - (K) Arbitrate any disputes between SSTS professional, SSTS owners, or any combination of the above.
- (2) Neither the issuance of permits, certificates of compliance nor notices of non-compliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates, notices or permits, 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.

### **Subdivision 7. Definitions.**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and facilitate the most reasonable application of the Ordinance.

- (1) **As-Builts.** Drawings and documentation specifying the final in-place location, size and type of

all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.

- (2) **Bedroom.** A room designed or used for sleeping or a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.
- (3) **Certificate of Compliance (SSTS).** A document written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.
- (4) **Class V Injection Well.** A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).
- (5) **Compliance Inspection.** Any evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.
- (6) **County Board.** The Martin County Board of Commissioners.
- (7) **Department.** The Martin County Planning & Zoning Department or other designated agent who is a qualified employee or licensee.
- (8) **Failure to Protect Groundwater.** At a minimum a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subpart 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 5 hereof.
- (9) **ITPHS. Imminent Threat to Public Health or Safety.** At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 5 hereof.
- (10) **Incorporation.** The mixing of manure or septage with the top soil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.
- (11) **Individual Sewage Treatment System (ISTS).** A sewage treatment system, or part thereof, as set forth in Minnesota Statutes, sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less. ISTS includes holding tanks and privies that serve these same facilities. ISTS does not include building sewers or other components regulated under chapter 4715 or collection systems.
- (12) **Inspector.** An individual qualified to review proposed plans and inspect SSTS and who meet the licensure and registration requirements of the Minnesota Pollution Control Agency.
- (13) **Land Spreading.** The placement of septage or human waste from septic or holding tanks on or into the soil surface.
- (14) **Land Use Development Application.** The term includes, but is not limited to application for

the following: construction permits, SSTS Permits, vegetative alteration permits, topographic alterations permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variance from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Martin County Planning and Zoning Department unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other informational required by the Martin County Planning and Zoning Department.

- (15) **MPCA.** Minnesota Pollution Control Agency.
- (16) **MSTS. Midsize Sewage Treatment System.** A midsize sewage treatment system under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.
- (17) **NPDES.** National Pollution Discharge Elimination System.
- (18) **Periodically Saturated Soil.** The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is with other established indicators as specified in part 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.
- (19) **Qualified Employee.** An employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the SSTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under Chapter 7083 and has been issued performance restrictions.
- (20) **Redoximorphic Features.** A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color. A soil matrix color controlled by the presence of ferrous iron. Redoximorphic features are described in 7080.1720, subpart 5, item E.
- (21) **Septage.** Solids and liquids removed during periodic maintenance of an SSTS, or solids and liquids which are removed from cesspools, seepage pits, other pits, or similar systems or devices that received sewage portable incinerating, composting, holding or other toilets. Waste from Type III marine sanitation devices, as defined in Code of Federal Regulations, title 33, section 159.3, and material that has come into contact with untreated sewage within the past 12 months is also considered septage.
- (22) **Sewage.** Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.
- (23) **SSTS. Subsurface Sewage Treatment System.** A subsurface sewage treatment system including an ISTS or MSTs.
- (24) **Toilet Waste Treatment Devices.** Privies and other devices including: incinerating, composting, biological, chemical, recirculating, portable restrooms or holding tanks.
- (25) **Transfer of Property.** The Act of a party by which a title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as conveyance, sale, mortgage, gift or otherwise.
- (26) **Type I System.** An SSTS that follows a standard trench, bed, at-grade, mound or graywater

system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

- (27) **Type II System.** 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 systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.
- (28) **Type III Systems.** A custom designed SSTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate the standard Type I soil treatment and dispersal system.
- (29) **Type IV System.** An SSTS, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.
- (30) **Type V System.** An SSTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

## CHAPTER 2

### PERMITTING

#### **Subdivision 1. Permits Required.**

- (1) **Construction Permits.** A permit shall be obtained whenever any SSTS in Martin County is installed, replaced, altered, repaired or extended. Installation, replacement, alteration, repair, or extension of an SSTS shall not begin without first making an application for a permit and obtaining said permit from the Department for each specific installation, replacement, alteration, repair or extension pursuant to this Ordinance. A permit shall not be required only for the work identified under Chapter 2, Subdivision 2 of this Ordinance. Such permits are not transferable as to person or place. Such permit shall expire 12 months after date of issuance.
- (2) **Posting of Permits.** Permits shall be provided by permittee at the time of inspection upon the request of inspector.

#### **Subdivision 2. Permits Not Required.** Permits shall not be required only for the following:

- (1) Repair or replacement of pumps, floats, or other electrical devices of the pump or baffles in a septic tank.
- (2) Maintenance of septic tanks, pump tanks, or effluent filters.
- (3) Repair or replacement of manholes and/or risers on septic tanks, and pump tanks.
- (4) Repair actions upon approval by the Department that meets Chapter 7080 and Chapter 7081.

**Subdivision 3. Property Owner Doing Own Work.** Property owners permitted to construct or repair SSTS on their own properties shall be exempted from providing proof of a State License but shall be required to execute a signed indemnification agreement pursuant to Chapter 2, Subdivision 3, 1. of this Ordinance. Property owners doing their own work must comply with Chapter 1, Subdivision 1 as well as other applicable provisions of this Ordinance. A property owner shall have a current license issued by the Minnesota Pollution Control Agency for either a basic designer and/or advanced designer if they wish to perform the site evaluation or design of their own SSTS. Pressurized systems or mounds cannot be constructed by anyone other than a licensed installer.

- (1) **Indemnification Agreement.** The permittee 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 the failure of the permittee to conform to and comply with the provision of this Ordinance.

**Subdivision 4. Permit Application Requirements.** All applicants for an SSTS permit shall include the following information:

- (1) Name and address of property owner;
- (2) Legal description of the property including parcel number;

- (3) SSTS Designer Name, address, phone number and State SSTS License number;
- (4) Site Evaluation report on a form as provided by the County; Soil observations reviewed by the Department, for new construction, are valid for twenty-four (24) months;
- (5) System design with full information including applicable construction information on forms as provided by the County;
- (6) Any other information requested pertinent to the process;
- (7) A certified statement from the person(s) who conducted the work;
- (8) Lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, at-grade systems and rapidly permeable soils as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7; and
- (9) Owners with systems considered a Class V well, shall submit information to EPA for inventory purposes.

**Subdivision 5. Application Review and Approval.** If, after consideration of the application for a permit, a qualified employee or authorized licensee of the Department shall be satisfied that the work completed conforms to and complies with provisions of this Ordinance, the Department shall issue a written permit granting preliminary approval authorizing initiation of construction of the system as designed.

**Subdivision 6. Incomplete Application Information.** If after consideration of the application for a permit, the Department shall be satisfied that the work contemplated will not conform to or comply with the provisions of this Ordinance, the Department shall deny the application for a permit. Notice of such denial shall be served on the applicant or permittee. The notice shall state the reason for denial. The Permit application may be revised or corrected and resubmitted to the Department at any reasonable time for reconsideration.

**Subdivision 7. Fees.** The County Board shall establish fees for permits required by this Ordinance.

- (1) Fees shall be due and payable at the time of permit issuance.
- (2) The County Board shall establish, by resolution, fees for permits required by this Ordinance.
- (3) Fees are non-refundable either in whole or in part unless otherwise authorized by the Department.

**Subdivision 8. Variances.** An affected property owner may request a variance from the standards as specified in the Martin County Zoning Ordinance and may be requested pursuant to the Martin County Zoning Ordinance. Variances to decrease the three feet of vertical separation required beneath the distribution medium and the saturated soil or bedrock must be approved by the MPCA as per the procedures contained in Minnesota Rules Chapter 7082.0300. Variances to well and water supply lines require approval from the Minnesota Department of Health.

**Subdivision 9. Abandonment.** Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Chapter 7080/7081.

- (1) Owners of SSTS to be removed shall notify the Department.

## CHAPTER 3

# INSPECTIONS AND PROPERTY TRANSACTIONS

### Subdivision 1. Inspection General Requirements.

- (1) **Compliance Inspection.** Compliance inspections for construction, replacement, alteration or repair work on SSTS shall be conducted by a qualified employee or under a license authorized by the Department who is independent of the owner and installer.
- (2) **Access to Premises and Records.** Upon the request of the Department, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Ordinance.
- (3) **Interference Prohibited.** No person shall hinder or otherwise interfere with the Department in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the Department shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

**Subdivision 2. Inspections.** The permittee 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 permit requirements and application design. If any SSTS component is covered before being inspected and approved by the Department, it shall be uncovered upon the direction of the Department. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Department prior to construction of the SSTS at such time as to assure that the system has been constructed per submitted and approved design.

- (1) **Notifications for Inspections.**
  - (A) It shall be the duty of the permittee to notify the Department on the workday preceding the day inspection is desired.
  - (B) If the permittee provides proper notice as described above and the Department does not appear for an inspection within two hours after time set, the permittee may complete the installation. The permittee shall then file a signed As-Built, including photographs of the system prior to covering, with the Department within five working days. The As-Built shall include a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects.
  - (C) Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, installing, or repairing any SSTS.
- (2) As-Builts shall be submitted to the Department within five working days of completion of the work on the SSTS. These shall be submitted on forms provided or approved by the Department.
- (3) When required by the Department, holding, septic, or dosing tanks shall be filled with liquid to discharge invert level for sufficient period of time to demonstrate they are water tight.
- (4) **Inspection Report.** A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Department following an inspection or review of as-built plans submitted in accordance with Chapter 3, Subdivision 2, 1.(B). A Certificate of Compliance or Notice of Noncompliance must include a signed statement by the inspector identifying the type of SSTS inspected and

whether the system is in compliance with Minnesota Rules Chapter 7080.1500. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within 30 days of the compliance inspection and a copy kept on file in the Department. Certificates of Compliance for new construction or replacement system compliance inspections remain valid for five years from the date of issuance provided the system does not fail or become an imminent public health threat or other cause as deemed appropriate by the Department.

**Subdivision 3. Stop Work Orders.** Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order the work stopped by verbal or written notice personally served upon the installer or owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Department.

**Subdivision 4. Inspection Requirements for Existing Systems.**

- (1) Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed or verified:
  - (A) Watertightness assessment of all treatment tanks including a leakage report;
  - (B) 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;
  - (C) Sewage backup, surface seepage, or surface discharge including a hydraulic function report
- (2) The certificate of compliance must include a certified statement by a qualified employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
- (3) The certificate of compliance or notice of noncompliance must be submitted to the department and the property owner no later than 15 calendar days after the date of inspection was performed.
- (4) Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

**Subdivision 5. Mandatory Compliance Inspections of Existing Systems.** An SSTS shall require a compliance inspection when any one of the following conditions occur;

- (1) No owner of a tract of land on which a dwelling is located, or a tract of land on which a structure which is required to have a subsurface sewage treatment system is located, shall sell or transfer to another party said tract of land unless requirements as stated in Chapter 3, Subdivisions 7 through 9 of this Ordinance are met.
- (2) At any time the Department deems appropriate such as upon receiving a complaint or other information of system failure.
- (3) Addition of bedroom on the property, or a variance issued in accordance with Minnesota Rules Chapter 7082.0100 (General Requirements for Local Units of Government).
  - (A) If a request for an additional bedroom or variance is received between December 1 and April 1 the County may issue a permit or variance immediately with the requirement that a compliance inspection be completed by the following June 15 and the applicant

submits a Certificate of Compliance by the following September 30.

**Subdivision 6. Failing Septic Systems.** A Notice of Noncompliance shall be issued and copies provided to the property owner and the County within 15 days under the following conditions:

- (1) A SSTS failing to protect groundwater shall be upgraded, replaced, repaired or discontinued (abandoned) in compliance with Minnesota Rules Chapter 7080.1500 and 7080.2500, as applicable within one (1) year. The Department will give consideration to weather conditions as compliance dates as established;
- (2) An SSTS posing an imminent threat to public health or safety will be upgraded, replaced, ~~or~~ repaired or discontinued (abandoned) within 10 months;
- (3) When the SSTS is determined to be failing at the point of sale or transfer of property;
- (4) The owner(s) shall submit to the Department an acceptable Replacement Plan within twenty (20) days after notification by the Department. The Replacement Plan shall identify the location and design of the SSTS and a schedule for its replacement. Failure to submit and execute an acceptable Replacement Plan is a violation of the Ordinance.
- (5) Discharge of sewage to the surface without NPDES permit issued by the MPCA will be considered an ITPHS and is prohibited.

**Subdivision 7. Sale or Transfer of Property.**

- (1) The SSTS Property Transaction Form along with any required attachments shall be provided by the seller to the buyer at or before closing.
- (2) If a Certificate of Compliance is required it shall be completed by a sewage treatment system inspector licensed by the State of Minnesota and shall indicate that said SSTS is in compliance with Minnesota Rules Chapter 7080 as amended.
- (3) In the event that one of the exemptions listed in Chapter 3, Subdivision 8 or 9 of this Ordinance applies, the SSTS Property Transaction Form must be signed by both parties to the transaction.
- (4) The SSTS Property Transaction Form along with any required attachments shall be filed with the County Auditor along with the Certificate of Real Estate Value.

**Subdivision 8. Exempt Transactions.** The Certificate of Compliance need not be completed and attached to the SSTS Property Transaction Form if the sale or transfer involves the following circumstances:

- (1) The tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
- (2) The sale or transfer completes a contract for deed entered into prior to the effective date of this Ordinance. This applies only to the original vendor or vendee on such a contract.
- (3) Any dwellings or other buildings with running water are connected to a municipal wastewater treatment system.
- (4) The property about to be transacted does contain an SSTS, however, the system has been disconnected from the plumbing in the house and the Department has been or will be contacted to complete an inspection. The SSTS will either be property abandoned or an SSTS permit will be obtained and an SSTS will be installed that meets the existing Ordinance requirements within 10 months of the date of the transaction if the SSTS is reconnected.
- (5) The buyer and the seller wish to stipulate that an existing SSTS is effectively out of compliance and the buyer will properly abandon the existing SSTS or install an SSTS that meets the existing

Ordinance requirements within 10 months of the date of the transaction.

### **Subdivision 9. Transactions Occurring Between December 1 and April 1.**

- (1) If the transaction occurs between December 1 and April 1, and the inspection cannot be completed, the transfer may occur with a stipulation that a compliance inspection, as certified by a licensed inspector, be completed and filed with the County Auditor by June 15 following the closing date (and a Certificate of Compliance is completed by the following September 30.)

**Subdivision 10. Prohibition Against Transfer of Property; Enforcement.** No real property in Martin County shall be transferred unless the parties to the transaction have complied with the requirements in this Ordinance.

### **Subdivision 11. Notice of Violations.**

- (1) **Cause to Issue a Notice of Violation.** Unresolved and with separate, recurrent, or continuing violations of this Ordinance by an applicant, permittee, installer, or other person, as determined by inspections, re-inspection, or investigations shall constitute nonconformance or noncompliance with this Ordinance.
- (2) **Serving a Notice of Violation.** A Notice of Violation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of the Ordinance.
- (3) **Contents of a Notice of Violation.** A Notice of Violation shall contain the following:
  - (A) A statement documenting the findings of fact through inspections, re-inspection or investigations;
  - (B) A list of specific violation of this Ordinance;
  - (C) The specific requirements for correction or removal of said violations;
  - (D) A mandatory time schedule for correction, removal and compliance with this Ordinance; and
  - (E) Specific enforcement actions that will be taken if corrective action is not completed.
- (4) **State Notification of Violations.** Any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed person or any pumping and disposal of septage by a licensed pumper or hauler done in violation of the provisions of this Ordinance shall be cause for notification to the Minnesota Pollution Control Agency.
- (5) **Enforcement.** Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance, or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law. In the event of a violation of this Ordinance, in addition to other remedies, the County Attorney may institute appropriate actions of proceedings to prevent, restrain, correct or abate such violation.

# CHAPTER 4

## GENERAL REGULATIONS

### **Subdivision 1. Additional Standards for Health and Environmental Protection.**

- (1) Additional Standards.** The following standards shall also apply.
- (2) Separation Distances.**
  - (A)** The separation distance from a well to an SSTS shall be as specified in M.S. 3011 Minnesota Rules Chapter 4725, as amended.
  - (B)** The separation distances from SSTS to designated lakes and rivers shall be identified in the Martin County Zoning Ordinance.
  - (C)** The separation distance from an SSTS to a Type 3, 4, 5 or 6 wetland shall be seventy-five (75) feet.
  - (D)** SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15% reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil
- (3) Loading Rates.**
  - (A)** The loading rate shall be specified in 7080.2150 subpart 3, Tables IX or IXa.
- (4)** All designs and inspections must comply with Chapter 7080 and Chapter 7081 licensing requirements. Any outside costs for consulting services to aid the Planning and Zoning Department in making its decision on an application shall be paid by the applicant.

### **Subdivision 2. Maintenance.**

- (1)** For systems not operated under a management plan or operating permit, the owner of a SSTS or the owner's agent shall regularly, but in no case less frequently than every 3 years, measure or remove the accumulations of scum and sludge in the septic tank and is responsible for full maintenance of the SSTS as indicated by Minnesota Rules Chapter 7080.2450.
- (2)** All solids and liquids must be removed through the maintenance hole, from all tanks in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. Total sludge and scum volume must not be greater than 25% of the tanks liquid capacity.
- (3)** If the maintenance hole does not extend to finish grade, it must be brought into compliance with part 7080.1970, item B or secured by covering with a minimum of 12 inches of soil.
- (4)** Pumping records must be maintained by the owner of the system. The owner may choose to have the records maintained by the Department but the owner retains the responsibility of providing records to the Department.
- (5)** Repairs are not allowed on Non-Compliant SSTS.

### **Subdivision 3. System Types.**

- (1) Type I Systems.** Type I Systems must be designed according to parts 7080.2200 to 7080.2240 and include:
- (a)** Trenches & Seepage Beds
  - (b)** Mounds
  - (c)** At Grade Systems
  - (d)** Graywater Systems
- (2) Type II Systems.** Type II Systems must be designed according to parts 7080.2260 to 7080.2290 and include:
- (a)** Rapidly Permeable Soils
  - (b)** Floodplain areas
  - (c)** Privies
  - (d)** Holding Tanks
    - 1. All tanks used as holding tanks must be tested for watertightness as specified in part 7080.2010.
    - 2. A cleanout pipe of at least six inches in diameter must extend to the ground surface and be provided with seals to prevent odor emissions and exclude insects and vermin. A maintenance hole of at least 20 inches in least dimension must extend through the cover to a point within 12 inches, but no closer than six inches, below final grade.
    - 3. For a dwelling, the minimum size is 1,000 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum capacity shall be at least five times the design flow. Tank sizing for floodplain areas must be calculated according to part 7080.2270 subpart 10.
    - 4. Holding Tanks must be located in an area readily accessible to the pump truck under all weather conditions and where accidental spillage during pumping will not create a nuisance and must meet the setback requirements as specified in Table VII in part 7080.2150, subpart 2, item F.
    - 5. Holding Tanks must have an alarm device to minimize the chance of accidental sewage overflows unless regularly scheduled pumping is used. The alarm device shall indicate when the holding tank is 75% capacity.
    - 6. 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 115.6, subdivision 2, paragraph (b), clause (3). Farmers must comply with U.S. Environmental Protection Agency rules as found in 40 CFR part 503. The homeowner is responsible for ensuring that the contract guarantees the removal of the tank contents before overflow or any discharge. An operating permit is required.
  - (I)** Type II systems, including holding tanks, are allowed only in areas where a standard system cannot be installed, is not the most suitable treatment or for seasonal dwellings.
- (3) Type III Systems.** Type III Systems must be designed according to part 7080.2300.
- (4) Type IV Systems.** Type IV Systems must be designed according to part 7080.2350.

- (5) **Type V Systems.** Type V Systems must be designed according to part 7080.2400.
- (a) Type V systems may be used in areas where a standard system cannot be installed or if a system is considered new technology with limited data on reliability.

**Subdivision 4. Performance Standards.** This subdivision hereby adopts by Reference Minnesota Rules Chapter 7081.0080, Performance.

- (1) Each system's design report and management plan under this part must be operated under the permit requirements of Chapter 4, Subdivision 5 of this Ordinance. Reasonable assurance of performance of the system must be submitted to the permitting authority. The engineering design of the system must be submitted and approved by the permitted authority.
- (2) Systems designed, constructed, and operated under this part shall meet or exceed the following requirements:
  - (A) Only sewage may be discharged into the system;
  - (B) Treatment processes and devices shall not allow bodily contact with sewage or sewage effluent;
  - (C) Disposal of sewage effluent shall be below grade, with the effluent remaining below grade until reaching a groundwater discharge area. The below grade discharge shall not result in creation of a new surface drainage.
  - (D) The treatment and disposal of sewage or sewage effluent shall be in a safe manner that adequately protects the public; including protection from physical injury and harm;
  - (E) All methods and devices used to treat and dispose of sewage shall conform to all applicable federal, state and local requirements; and
  - (F) All devices shall be operated and maintained in accordance with manufacturer's requirements.
- (3) Groundwater and surface water protection as defined in 7081.0080 Subpart 4.
- (4) Long-term performance.
  - (A) Designers of systems designed under this part shall provide to the local unit of government and the property owner the following:
    - I. Estimated costs for construction, operation, monitoring, service, component replacement, and management;
    - II. Anticipated system life, and
    - III. Hydraulic and organic loading rates to all components of the system.
  - (B) Flow shall be determined in accordance with part 7080.1850 and 7080.1860 for dwellings or with part 7080.1880 and 7080.1885, for groups of dwellings or other establishments.
- (5) Systems designed and constructed under this part shall be considered in compliance if they meet the conditions of the approved monitoring plan.

**Subdivision 5. Operating Permit/Management Plans.** This subdivision hereby adopts by reference Minnesota Rules Chapter 7082.0600 .

- (1) **Operating Permit.** An operating permit is required for all Holding Tanks, Type IV and Type V Systems and MSTs.
  - (A) At a minimum, the operating permit shall include:

- I. Maintenance requirements;
- II. Monitoring locations, procedures and recording requirements;
- III. Compliance limits and compliance boundaries;
- IV. Reporting frequency, not less than annually;
- V. Requirements that the permittee notify the permitting authority when monitoring plan requirements are not met; and
- VI. System performance requirements
- VII. System operating requirements
- VIII. Valid contract between the owner and a licensed maintenance business
- IX. Disclosure, location and condition of acceptable soil treatment and dispersal system site.
- X. Descriptions of acceptable and prohibited discharges.

(B) If item A is not complied with, the system is in violation of its operating permit.

(2) **Management Plans.** Management plans are required for all new or replacement SSTs. The management plan shall be submitted to the Department with the construction permit application for review and approval.

(A) At a minimum, the management plan shall include:

- I. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform
- II. Monitoring requirements
- III. Maintenance requirements including maintenance procedures and a schedule for routine maintenance
- IV. Statement that the owner is required to notify the Department when the management plan requirements are not being met
- V. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owners residence.

**Subdivision 6. Septage Disposal.** Separation requirements for land application of septage are as follows: Domestic septage disposal and treatment standards shall comply with U.S. Environmental Protection Agency rules as found in 40 CFR part 503 entitled AStandards for the Use of Disposal of Sewage Sludge, and Minnesota Pollution Control Agency guidelines as stated in Land Application of Septage.

(1) **Land Spreading Location.** The land spreading site shall be located such that the following minimum separation distances are maintained:

- |  |           |
|--|-----------|
| (A) Private water wells  | 200 feet  |
| (B) Municipal well   | 1000 feet |
| (C) Intermittent Stream  | 100 feet  |
| (D) Occupied Dwellings   | 200 feet  |
| (E) Residential Districts, Commercial Developments, Recreational Areas | 600 feet  |
| (F) Property lines   | 10 feet   |
| (G) Public Road Right-of-Ways  | 10 feet   |

(2) **Separation from Surface Waters.** Septage shall not be land spread in designated Shoreland

management Areas as identified in the Martin County Zoning Ordinance. Separation distances from surface waters, sinkholes, fractured bedrock, outcrops, wetlands, and agricultural drainage ditches shall be observed as follows:

	<u>SLOPE</u>		<u>SEPARATION DISTANCES</u>	
	May-Oct. Inject or Incorp.		Surface	Surface
0-2%	25 Ft.		300 Ft.	600 Ft.
2-6%	50 Ft.		600 Ft.	--
6-12%	100 Ft.		--	--

- (3) **Soil Suitability.** To be suitable for land-spread, the soil must meet the following criteria:
- (A) Have medium or fine surface textures (no sandy or peaty surface textures).
  - (B) Have a 3 foot separation distance to the water table or bedrock.

## CHAPTER 5

### LICENSING AND ENFORCEMENT

#### Subdivision 1. Licensing Requirements.

- (1) **Site evaluators, Designers, Installers and Pumper.** No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of on-site sewage treatment systems in Martin County without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency.
- (2) **License Exemptions.** A license is not required for:
  - (A) An individual who is constructing a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual based upon a design by a licensed designer. The system must be inspected before being covered and as-built plans submitted in accordance with Chapter 3 Subdivision 2 of this Ordinance. A certificate of compliance or notice of non-compliance will be issued by the Department;
  - (B) An individual who performs labor or services under a licensee;
  - (C) A farmer who pumps sewage waste from subsurface sewage treatment systems from dwelling or other establishments that are owned or leased by the farmer and disposes of those wastes on land that is owned or leased by the farmer.
  - (D) A property owner who personally gathers information, evaluates, or investigates the SSTS on or serving the property to provide a disclosure.

#### Subdivision 2. Enforcement.

- (1) Any person, firm, corporation or other entity who violates any provision of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.
- (2) In the event of a violation of the Ordinance, in addition to other remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation.

#### Subdivision 3. Liability.

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

#### **Subdivision 4. Appeals.**

- (1) Disputes between SSTS professionals will be resolved by the following:
  - Step 1: Meet on-site with the septic contractor and at least one county staff member
  - Step 2: If dispute is not resolved through Step 1, obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by both parties. The soil scientist is hired at the expense of the property owner

## Adoption and Effective Date

**Repeal.** The existing Martin County Sewage and Wastewater Treatment Ordinance, as adopted on the 15<sup>th</sup> day of June, 1999 is hereby repealed on September 15, 2009. The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinance, adopted September 15, 2009.

**Planning Commission Recommendations.** The Martin County Planning Commission, after proper notice and publication, held public hearings on the adoption of the Ordinance on August 25, 2009, at the Martin County Commissioners Room. After hearing public testimony and with due deliberation, the Planning Commission voted unanimously to recommend adoption of the Ordinance to the Martin County Board of Commissioners.

**Adoption by Board of Commissioners.** The Martin County Board of Commissioners, after proper notice and publication, and with due deliberation, voted unanimously to adopt this Ordinance on September 15, 2009, at the Martin County Commissioners Room.

**Effective Date.** The Ordinance shall be in full force and effective beginning January 1, 2010.

Passed September 15, 2009.

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Steve Donnelly  
Chairperson, Martin County Board of Commissioners

Attest:

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Scott Higgins  
Martin County Coordinator

## **ADOPTION**

Adopted Martin County Sewage and Wastewater Treatment Ordinance    October 1, 1996

## **AMENDMENTS**

### **General Amendments**

Required Perc Test

March 21, 1989

Revision to Septic Ordinance (mandate by state)

December 9, 1997

Revision to Septic Ordinance (change in transfer of property)

August 25, 1998

Revision to Septic Ordinance (performance standards)

June 15, 1999

Revision to Septic Ordinance (mandate by state)

September 15, 2009

effective January 1, 2010