

CHAPTER 52: SUBSURFACE SEWAGE TREATMENT SYSTEMS

Section

General Provisions

- 52.001 Purpose
- 52.002 Intent
- 52.003 Authority
- 52.004 Definitions
- 52.005 Scope
- 52.006 Jurisdiction
- 52.007 Abrogation and greater restrictions
- 52.008 County administration
- 52.009 State disposal system permit
- 52.010 SSTS operation and effectiveness
- 52.011 Validity
- 52.012 Liability

SSTS Standards

- 52.020 Standards adopted by reference
- 52.021 Amendments to the adopted standards
- 52.022 SSTS setbacks
- 52.023 Determination of hydraulic loading rate and SSTS sizing
- 52.024 Holding tanks
- 52.025 SSTS construction in floodplains
- 52.026 Class V injection wells

General Requirements; Retroactivity

- 52.040 All SSTS
- 52.041 Existing SSTS construction permits
- 52.042 SSTS on lots created after January 23, 1996
- 52.043 Existing SSTS without permits

SSTS Upgrade, Repair, Replacement, and Abandonment

- 52.055 Failure to protect groundwater
- 52.056 Imminent threat to public health or safety
- 52.057 SSTS employing artificial drainage
- 52.058 Abandonment

SSTS Construction Permit

- 52.070 SSTS construction permit required
- 52.071 SSTS construction permit
- 52.072 Activities requiring an SSTS construction permit
- 52.073 Activities not requiring an SSTS construction permit
- 52.074 SSTS construction permit required to obtain building permit
- 52.075 Conformance to prevailing requirements
- 52.076 SSTS construction permit application requirements
- 52.077 SSTS construction permit application review and response
- 52.078 SSTS construction permit denied

- 52.079 Appeal
- 52.080 SSTS construction permit expiration
- 52.081 Fees
- 52.082 SSTS construction permit transferability
- 52.083 SSTS construction permit suspension or revocation
- 52.084 SSTS construction permit posting

SSTS Management Plan

- 52.095 Purpose
- 52.096 SSTS requiring management plans
- 52.097 Required contents of an SSTS management plan
- 52.098 Requirements for SSTS not operated under a management plan

SSTS Operating Permit

- 52.110 SSTS requiring an operating permit
- 52.111 SSTS operating permit application requirements
- 52.112 SSTS operating permit department response
- 52.113 SSTS operating permit terms and conditions
- 52.114 SSTS operating permit expiration and renewal
- 52.115 Amendments to existing SSTS operating permits not allowed
- 52.116 SSTS operating permits not transferrable
- 52.117 Suspension or revocation of SSTS operating permits
- 52.118 Monitoring requirements for SSTS operating permits

Prohibitions

- 52.130 Occupancy or use of a structure without a compliant SSTS
- 52.131 Sewage discharge to ground surface or surface water
- 52.132 Sewage discharge to a well or boring
- 52.133 Discharge of hazardous or deleterious materials
- 52.134 Conflicts of interest

Variances

- 52.145 Variance requests
- 52.146 Affected agency
- 52.147 Board of adjustment

SSTS Practitioner Licensing

- 52.160 SSTS practitioner licensing
- 52.161 SSTS business license exemptions
- 52.162 SSTS licensed designer responsibilities
- 52.163 SSTS licensed installer responsibilities
- 52.164 SSTS licensed maintainer responsibilities
- 52.165 SSTS licensed service provider responsibilities
- 52.166 SSTS licensed inspector responsibilities
- 52.167 Periodically saturated soil disagreements

Administration

- 52.180 Public education outreach
- 52.181 Record keeping
- 52.182 Annual report

SSTS Compliance Inspection Program

- 52.195 Department responsibility
- 52.196 New SSTS construction or replacement
- 52.197 Existing SSTS compliance inspection
- 52.198 Compliance criteria for existing SSTS
- 52.199 Transfer of properties

Enforcement

- 52.210 Notice of violation
- 52.211 Cease and desist orders
- 52.212 Civil remedies
- 52.213 Interpretation
- 52.999 Penalty

GENERAL PROVISIONS

§ 52.001 PURPOSE.

The purpose of this chapter is to establish minimum requirements for regulation of subsurface sewage treatment systems (hereinafter “SSTS”) for the treatment and dispersal of sewage within the applicable jurisdiction of the Department to protect public health and safety, groundwater quality and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County’s citizens by protecting its health, safety, general welfare, and natural resources.

(Ord. 67-2010, passed 5-17-11)

§ 52.002 INTENT.

It is intended by the Carver County Environmental Services Department that this Chapter will promote the following.

(A) The protection of lakes, rivers and streams, wetlands, and groundwater in Carver County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.

(B) The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting surface water and groundwater from degradation.

(C) The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

(D) The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

(E) The provision of SSTS technical assistance and education, plan review, inspections, surveys, and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

(Ord. 67-2010, passed 5-17-11)

§ 52.003 AUTHORITY.

This chapter is enacted pursuant to M.S. §§ 115.55 and 115.56; M.S. § 145A.01 through 145A.08; M.S. § 375.51; or successor statutes and Minn. Rules, Chapter 7080, Chapter 7081, Chapter 7082, and Chapter 7083; or successor rules as they may be amended from time to time.

(Ord. 67-2010, passed 5-17-11)

§ 52.004 DEFINITIONS.

The following words and phrases shall have the meanings ascribed to them in this section. If not specifically defined in this section, terms used in this chapter shall have the same meaning as provided in the standards adopted by reference in § 52.020. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this chapter, the words “must” and “shall” are mandatory, and the words “may” and “should” are permissive.

ARTIFICIAL DRAINAGE. An SSTS that uses artificial drainage to lower the periodically saturated soil level to create the required separation between the distribution media and the water table.

BOARD OF ADJUSTMENT. A board established by Carver County Zoning Code, Chapter 152 with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public, and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any chapter adopted pursuant to the provision of M.S. §§ 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

CLASS V INJECTION WELL. A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 C.F.R. §§ 144 and 146).

CLUSTER SYSTEM. An SSTS under some form of common ownership that collects wastewater from two or more dwellings or structures and conveys it to a soil treatment and dispersal system located on an acceptable site near the dwellings or structures.

COUNTY. Carver County, Minnesota.

COUNTY BOARD. The Carver County Board of Commissioners.

DEPARTMENT. The Carver County Environmental Services Department.

MPCA. The Minnesota Pollution Control Agency.

QUALIFIED EMPLOYEE. An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual’s employment duties and is a certified SSTS professional with specialty area endorsements applicable to the work being conducted.

STATE. The State of Minnesota.

SUBSURFACE SEWAGE TREATMENT SYSTEM or “SSTS”. A subsurface sewage treatment system includes individual subsurface sewage treatment systems and midsized subsurface sewage treatment systems

TREATMENT LEVEL. Treatment system performance levels defined in Minn. Rules Chapter 7083.4030 and Table III for testing of proprietary treatment products. Minnesota Rules Chapter 7083.4030 is hereby incorporated by reference as amended from time to time.

(Ord. 67-2010, passed 5-17-11)

§ 52.005 SCOPE.

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

(Ord. 67-2010, passed 5-17-11)

§ 52.006 JURISDICTION.

The jurisdiction of this chapter shall include all lands of the county except for incorporated areas that administer an SSTS program by ordinance within their incorporated jurisdiction, which is at least as strict as this chapter.

(Ord. 67-2010, passed 5-17-11)

§ 52.007 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, or impair any other existing Carver County chapters, easements, covenants, or deed restrictions. Whenever any provision of this chapter is found to be in direct conflict with the provisions of any other Carver County chapter, the chapter containing the more restrictive requirements shall govern.

(Ord. 67-2010, passed 5-17-11)

§ 52.008 COUNTY ADMINISTRATION.

The County Environmental Services Department is authorized to administer the SSTS program and all provisions of this chapter. At appropriate times, the Department may review and request revisions to update this chapter as necessary. The Department may employ or retain under contract, qualified, and appropriately certified and/or licensed SSTS professional(s) to administer and operate the SSTS program.

(Ord. 67-2010, passed 5-17-11)

§ 52.009 STATE DISPOSAL SYSTEM PERMIT.

(A) The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain a state disposal system permit from the MPCA, when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day.

(B) SSTS serving establishments or facilities licensed or otherwise regulated by the state must conform to the requirements of this chapter.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.010 SSTS OPERATION AND EFFECTIVENESS.

Neither the issuance of SSTS permits or certificates of compliance shall be construed to represent a guarantee or warranty of the SSTS operation or effectiveness.

(Ord. 67-2010, passed 5-17-11)

§ 52.011 VALIDITY.

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

(Ord. 67-2010, passed 5-17-11)

§ 52.012 LIABILITY.

No liability or responsibility shall be imposed upon the Department or any of its officials, employees, contractors, agents, or servants thereof, for damage resulting from a defective design, construction, operation, abandonment, or misplacement of any onsite or cluster SSTS regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

(Ord. 67-2010, passed 5-17-11)

SSTS STANDARDS

§ 52.020 STANDARDS ADOPTED BY REFERENCE.

Minnesota Rules Chapters 7080, 7081, 7082, and 7083, as they may be amended from time to time, relating to SSTS are hereby adopted by reference and made part of this chapter as if fully set forth herein, except as modified by or inconsistent with provisions of this chapter. This adoption does not supersede the county’s right or ability to adopt local standards that are in compliance with M.S. § 115.55.

(Ord. 67-2010, passed 5-17-11)

§ 52.021 AMENDMENTS TO THE ADOPTED STANDARDS.

(A) Minnesota Rules Chapter 7080.1500, subpart 6, is amended to include: An SSTS design that proposes to reuse an existing tank(s) for a replacement SSTS must include the MPCA Tank Integrity and Safety Compliance form, which includes a verification that all tank and riser joints, riser connections, and pipe connections are watertight according to Minn. Rules Chapter 7080.2010, subpart 1, item A.

(B) Minnesota Rules Chapter 7080.1730, item B, is amended as follows: Dates of preliminary and field evaluations must be dated within 12 months of the date of the SSTS construction permit application and within 24 months of the SSTS installation.

(C) Minnesota Rules Chapter 7080.1730, item F, is amended to include: the Department must be notified of any technical requirements of this chapter, Minn. Rules Chapter 7080, or Chapter 7081, that cannot be met before the design is completed.

(D) Minnesota Rules Chapter 7080.1930, subpart 1, Table V “Septic Tank Liquid Minimum Capacities (Gallons)”, is amended as follows:

<i>Number of Bedrooms</i>	<i>Tank Size With Multiple Compartments or Multiple Tanks in Series</i>	<i>Tank Size With Garbage Disposal and/or Lift in the Basement</i>	<i>Pump Tank</i>
2 or less	1500	2250	1000
3 or 4	2000	3000	1000
5 or 6	2250	3375	1500
7, 8, or 9	3000	4500	1500

SSTS with a valid certificate of compliance may not be required to meet the above sizing chart if the tank capacity and soil treatment and dispersal system meet the current minimum state requirements for the anticipated additional gallons per day.

(E) Minnesota Rules Chapter 7080.2000, item C, is amended as follows: The top of sewage tanks must not be buried deeper than four feet from final grade. Exceptions may be made on a case by case basis for existing uses with extenuating circumstances preventing a shallow burial, not to exceed the tank manufacturer’s maximum designed depth for the tank. The minimum depth of soil cover over the insulation on the top of the tank is six inches.

(F) Minnesota Rules Chapter 7080.2100, subpart 2, item B, is amended to include: The pump discharge line must be sleeved with a four-inch PVC pipe from the edge of the tank or maintenance hole to undisturbed ground.

(G) Minnesota Rules Chapter 7080.2150, subpart 2, Table VII, is amended to include: Setbacks from the soil treatment and dispersal area for above grade systems, including but not limited to: mound and at grade systems, will be measured from the toe of the slope to any property line(s) and/or road right-of-way(s). Setback of ten feet from the SSTS to a swimming pool. Setback of 20 feet from the SSTS to slopes greater than 20%. Setback of 50 feet from the SSTS to a bluff. Setback of ten feet (20 feet in shoreland areas) to an interceptor drain.

(H) Minnesota Rules Chapter 7080.2220, subpart 2, item B, is amended to include: Setbacks from the soil treatment and dispersal area for above grade systems, including but not limited to: mound and at grade systems, will be measured from the toe of the slope to any property line(s) and/or road right-of-way(s). Setback of ten feet from the SSTS to a swimming pool. Setback of 20 feet from the SSTS to slopes greater than 20%. Setback of 50 feet from the SSTS to a bluff. Setback of ten feet (20 feet in shoreland areas) to an interceptor drain.

(I) Minnesota Rules Chapter 7080.2220, subpart 3, item J, is amended as follows: The entire area that will receive materials for a mound must be roughened by approved methods.

(J) Minnesota Rules Chapter 7080.2230, subpart 2, item C, is amended to include: Setbacks from the soil treatment and dispersal area for above grade systems, including but not limited to: mound and at grade systems, will be measured from the toe of the slope to any property line(s) and/or road right-of-way(s). Setback of ten feet from the SSTS to a swimming pool. Setback of 20 feet from the SSTS to slopes greater than 20%. Setback of 50 feet from the SSTS to a bluff. Setback of ten feet (20 feet in shoreland areas) to an interceptor drain.

(K) Minnesota Rules Chapter 7080.2290, item D, is amended as follows: For a dwelling, the minimum holding tank size is 1,500 gallons or 400 gallons times the number of bedrooms, whichever is greater. For other establishments, the minimum holding tank size is 1,500 gallons or at least five times the design flow, whichever is greater. The required capacity of holding tank(s) in flood plain areas must be calculated according to Minn. Rules Chapter 7080.2270, subpart 10.

(L) Minnesota Rules Chapter 7080.2350 is amended as follows: Type IV Systems may be allowed, with the exception of those that would reduce the required three-foot separation to the periodically saturated soil or to downsize the required soil treatment and dispersal system. Type IV Systems installed prior to June 1, 2011 are exempt from this prohibition. When an advanced treatment device is added to an SSTS (new or existing), pressure distribution must be provided in the soil treatment and dispersal system.

(M) Minnesota Rules Chapter 7080.2400, is amended as follows: Type V Systems are prohibited. Type V Systems installed prior to June 1, 2011 are exempt from this prohibition.

(N) Minnesota Rules Chapter 7082.0100, subpart 1, item A, is amended as follows: An SSTS that fails to protect groundwater, as described in Minn. Rules Chapter 7080.1500, subpart 4, item B, must be brought into compliance within 36 months of the date of the notice of noncompliance, discovery by the Department, or within ten months from the date of the property transfer, whichever is the earlier date.

(O) Minnesota Rules Chapter 7082.0700, subpart 2, item A1, is amended to include: Compliance inspections of existing SSTS are required:

(1) Before any permit or variance is issued for a property with an SSTS located in a shoreland area (1,000 feet of a lake, pond, or flowage; or 300 feet of a river or stream, or the landward extent of a floodplain), subject to the exceptions in Carver County Zoning Code § 152.122.

(2) When there is a change in the use of the property or structure(s) that would affect water use, including but not limited to: a permit or variance to expand a structure for the purpose of a bedroom, home business, contractor's yard, or daycare. The certificate of compliance must also certify that all components are sized to current State minimum requirements for the additional bedroom or the change in use.

(3) When an SSTS construction permit is required to repair, modify, or upgrade an existing SSTS.

(4) At the time of property sale or transfer, in accordance with § 52.199. Any evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement, if conducted by a party who is not the SSTS owner, constitutes a compliance inspection, and must be conducted in accordance with Minn. Rules Chapter 7080.1500.

(5) When there is a division of land pursuant to Carver County Zoning Code § 152.035(D).

(6) During systematic lake or area wide SSTS surveys by the Department as described in § 52.043.

(7) Any time that a building permit is applied for and no record of a soil treatment and dispersal system exists.

(P) Minnesota Rules Chapter 7083.0700, item B, is repealed.

(Q) Minnesota Rules Chapter 7083.0700, item F, is amended as follows: An owner may abandon an SSTS, on property they own, if a final inspection is conducted by the Department or licensed SSTS professional. An individual or business, independent of the owner, which abandons an SSTS, must be licensed as an SSTS professional by the Minnesota Pollution Control Agency.

(R) Minnesota Rules Chapter 7083.0770, subpart 2, is amended to include: Submit a tank maintenance report for each SSTS to the Department and the property owner.

(Ord. 67-2010, passed 5-17-11)

§ 52.022 SSTS SETBACKS.

SSTS must be designed and installed to comply with the following minimum setback distances measured in feet:

<i>Feature</i>	<i>Tank(s)/ Sealed Privy</i>	<i>Soil Treatment and Dispersal Area/ Unsealed Privy</i>	<i>Building Sewer or Supply Pipes</i>
Private, single family water supply well with less than 50 feet of casing and not encountering 10 feet of impervious material. ¹	50	100	50
Any other private, single family water supply well or buried water suction pipe. ²	50	50	50
Buried pipe distributing water under pressure. ³	10	10	10
Structure(s) ⁴	10	20	-
Property lines and road right-of-ways. ⁵	10	10 Above grade systems will be measured from the toe of the slope. ⁶	
Ordinary high watermark of natural environmental lakes. ⁷	150	150	-
Ordinary high watermark of recreational development lakes and protected water courses. ⁷	75	75	-
Ordinary high watermark of general development lakes. ⁷	50	50	-
Swimming pool.	10	10	-
Slopes of 20% or greater.	20	20	-

Bluff. (Average grade 25% slope and has a 25' rise in elevation.)	50	50	
Interceptor drains.	-	10 (20 feet in Shoreland Areas.)	-

1 (Minn. Rules Chapter 7080.1710, item B and Minn. Rules Chapter 4725)

2 (Minn. Rules Chapters 4725 and 4715)

3 (Minn. Rules Chapter 4715)

4 (Minn. Rules Chapter 7080.215 Table VII)

5 (Minn. Rules Chapter 7080.215 Table VII)

6 (When lot size prohibits meeting the required ten-foot setback from the toe of the slope, the ten-foot setback may be measured from the absorption area, with Department approval and a survey verifying the proposed setback. The survey must be provided by the property owner at the property owner's expense.)

7(Shoreland Management Act and Minn. Rules Chapters 6105 and 6120)

(Ord. 67-2010, passed 5-17-11)

§ 52.023 DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING.

(A) Minnesota Rules Chapter 7080.2150, subpart 3, item E, Table IX, entitled "Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detail Soil Descriptions" and herein adopted by reference, must be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this chapter.

(B) Percolation testing may also be required per § 52.162(C)(2). Minnesota Rules Chapter 7080.2150, subpart 3, item E, Table IXa, entitled "Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Percolation Tests" and herein adopted by reference. The larger sizing factor of the two must be used for the SSTS design.

(Ord. 67-2010, passed 5-17-11)

§ 52.024 HOLDING TANKS.

Holding tanks may be used for single family homes and other structures with limited water use, as determined by the Department, under the following conditions.

(A) Holding tank(s) may be allowed for structures or pre-existing dwellings where an SSTS, as described in Minn. Rules Chapter 7080.2210 through 7080.2230, or site conditions described in Minn. Rules Chapter 7081.0270, subparts 3 through 7, cannot reasonably be installed as determined by the Department.

(B) Septic tank(s) may be allowed temporarily as holding tank(s) for:

(1) New residential construction completed when the ground is frozen or the soil is above the plastic limit not allowing the full soil treatment and dispersal system to be installed; or

(2) Repair of an imminent threat to public health or safety in accordance with § 52.056.

(C) Holding tank(s) must not be used as an SSTS for:

(1) New residential construction;

(2) Improvements greater than 50% of the assessed value of the structure at the time of the application for the improvement; or

(3) Recreational uses on undeveloped lots of record.

(D) A minimum of a 1,500-gallon holding tank must be installed in accordance with Minn. Rules Chapter 7080.2290.

(E) The property owner must provide to the Department a copy of a valid monitoring and disposal contract executed between the property owner and a licensed SSTS maintainer, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minn. Rules Chapter 7082.0100, subpart 3, item G.

(F) The property owner must hold a valid contract with a licensed SSTS maintainer at all times.

(G) The licensed SSTS maintainer must certify the date the pumping occurred, number of gallons removed, any tank leakage below or above the operating depth, and the treatment facility to which the waste was discharged and if applicable, water meter reading at the time of pumping. The licensed SSTS maintainer is to note any safety concerns, troubleshooting or repairs conducted.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.025 SSTS CONSTRUCTION IN FLOODPLAINS.

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

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.026 CLASS V INJECTION WELLS.

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in 40 C.F.R. § 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in 40 C.F.R. § 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

GENERAL REQUIREMENTS RETROACTIVITY

§ 52.040 ALL SSTS.

Except as explicitly set forth in § 52.041, all provisions of this chapter shall apply to any SSTS regardless of the date it was originally permitted.

(Ord. 67-2010, passed 5-17-11)

§ 52.041 EXISTING SSTS CONSTRUCTION PERMITS.

Unexpired SSTS construction permits which were issued prior to the effective date of this chapter shall remain valid until the original expiration date or until a change in property ownership, whichever is earlier and shall be governed by the rules in effect at the time the SSTS construction permit was issued.

(Ord. 67-2010, passed 5-17-11)

§ 52.042 SSTS ON LOTS CREATED AFTER JANUARY 23,1996.

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support systems as described in Minn. Rules Chapters 7080.2210 through 7080.2230, or site conditions described in Minn. Rules Chapter 7081.0270, subparts 3 through 7, as identified by a licensed SSTS designer. It shall be the responsibility of the property owner to preserve and protect the soil treatment and dispersal areas from compaction, building, or other activities which could conceivably limit the use of the sites for sewage treatment and dispersal.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.043 EXISTING SSTS WITHOUT PERMITS.

In order to meet water quality goals, the County Board may, from time to time, adopt by resolution programs to accelerate SSTS compliance. The resolution may identify specific geographic areas, timelines for compliance, establish incentives, target specific system types, and may include such other provisions as necessary to accomplish the goals.

(Ord. 67-2010, passed 5-17-11)

SSTS UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT

§ 52.055 FAILURE TO PROTECT GROUNDWATER.

An SSTS that is determined not to be protective of groundwater in accordance with Minn. Rules Chapter 7080.1500, subpart 4, item B, must be connected to a municipal wastewater treatment system, upgraded, repaired, replaced, or abandoned in accordance with the provisions of this chapter within 36 months of the date of the notice of noncompliance, discovery by the Department, or within ten months from the date of property transfer, whichever is the earlier date. The Department has the authority to require repair or replacement of the SSTS sooner than specified above.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.056 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 Minn. Rules Chapter 7080.1500, subpart 4, item A, must be connected to a municipal wastewater treatment system, upgraded, repaired, replaced, or abandoned in accordance with the provisions of this chapter within ten months of the date of the notice of noncompliance or discovery by the Department, whichever is the earlier date. The Department has the authority to require repair or replacement of an imminent threat to public health sooner than specified above. The Department may require the property owner to:

- (A) Respond within five business days of notification by submitting a plan for abating the discharge; or
- (B) Pump the septic tank(s) as an interim abatement measure.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.057 SSTS EMPLOYING ARTIFICIAL DRAINAGE.

(A) Existing curtain drain systems identified through a compliance inspection and resulting in failure due to lack of separation to the periodically saturated soils may continue in use if the SSTS is enrolled in the curtain drain monitoring program and continues to meet the requirements of the program.

(B) Curtain drain systems that do not have the required separation to the periodically saturated soils but meet the requirements of the curtain drain monitoring program shall not be considered failing for the purposes of this division.

(C) If at any time during the monitoring of the SSTS, the requirements of the program are not met, the SSTS will be deemed failing and the SSTS must be brought into compliance.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.058 ABANDONMENT.

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

(B) A property owner may retain a licensed SSTS business to abandon all the components of the SSTS, and submit the MPCA's SSTS Abandonment Reporting Form to the Department within 30 days of the abandonment, or complete the abandonment themselves provided a final inspection is conducted by the Department or a licensed SSTS professional.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

SSTS CONSTRUCTION PERMIT

§ 52.070 SSTS CONSTRUCTION PERMIT REQUIRED.

It is unlawful for any person, business, firm, or corporation to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department. The issuing of any permit, variance, or conditional use under the provisions of the Carver County Zoning Code shall not absolve the property owner(s) of responsibility to obtain any other required permits.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.071 SSTS CONSTRUCTION PERMIT.

An SSTS construction permit must 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 appropriately certified and/or licensed SSTS professional(s).

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.072 ACTIVITIES REQUIRING AN SSTS CONSTRUCTION PERMIT.

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

(B) Rejuvenation and remediation technologies are allowed as prescribed in Minn. Rules Chapter 7080.2450, subpart 8; or successor rules. These types of repair technologies are not to be considered a minor repair, and require an SSTS construction permit as set forth in § 52.071.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.073 ACTIVITIES NOT REQUIRING AN SSTS CONSTRUCTION PERMIT.

An SSTS construction permit is not required for minor repairs as long as the repairs do not change the original design, layout, function, treatment capacity, or location of the system. Examples of such minor repairs include, but are not limited to: replacement of the pump, floats, alarm, inspection pipes or caps, maintenance hole risers, or tank baffles.

(Ord. 67-2010, passed 5-17-11)

§ 52.074 SSTS CONSTRUCTION PERMIT REQUIRED TO OBTAIN BUILDING PERMIT.

(A) For any property on which an SSTS construction permit is required, approval and issuance of a valid SSTS construction permit must be obtained before a building or land use permit may be issued by the Carver County Public Health and Environment Division.

(B) Failure to submit an existing SSTS compliance inspection for a property transfer, pursuant to § 52.199, will result in all future building or land use permit application(s) for the property to be denied until a certificate of compliance is submitted for the existing SSTS, or an escrow account is established and an SSTS construction permit is issued.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.075 CONFORMANCE TO PREVAILING REQUIREMENTS.

Any activity involving an existing SSTS that requires an SSTS construction permit shall require that the entire SSTS be brought into compliance with Minn. Rules Chapter 7080.1500 and verification of any existing tank(s) proposed for reuse must meet Minn. Rules Chapter 7080.2010, subpart 1, item A.
(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.076 SSTS CONSTRUCTION PERMIT APPLICATION REQUIREMENTS.

SSTS construction permit applications must be made on forms provided by the Department and signed by the property owner and the licensed SSTS installer including the installer's certification number and date of expiration. The applications must include the documents listed in divisions (A) through (E) below.

- (A) Name, mailing address, telephone number, and email address.
- (B) Property Identification Number and address or other description of property location.
- (C) Site evaluation report as described in Minn. Rules Chapter 7080.1730.
- (D) Design report as described in Minn. Rules Chapter 7080.2430.
- (E) SSTS management plan and/or operating permit application as described in Minn. Rules Chapter 7082.0600.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.077 SSTS CONSTRUCTION PERMIT APPLICATION REVIEW AND RESPONSE.

The Department is authorized to review an SSTS construction permit application and supporting documents. Upon the Department's satisfaction that the proposed work will conform to the provisions of this chapter, a written permit authorizing construction of the SSTS as designed may be issued. In the event the applicant makes a significant change to the approved SSTS construction permit, the applicant must file an amended SSTS construction permit application and SSTS management plan detailing the changed conditions prior to initiating or continuing SSTS construction, modification, or operation for approval or denial.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.078 SSTS CONSTRUCTION PERMIT DENIED.

If an application for an SSTS construction permit is denied, notice of denial, including reasons for said denial, will be mailed to the address set forth in the SSTS construction permit application.

(Ord. 67-2010, passed 5-17-11)

§ 52.079 APPEAL.

(A) Hearing. An appeal from any order, requirement, decision, or determination from the Department shall be heard by the Board of Adjustment pursuant to Carver County Zoning Code, § 152.214.

(B) Stay of action. An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.

(C) Action to Board of Adjustment. The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and to that end shall have all of the powers of the officer from whom the appeal was taken and may direct issuance of the permit. The reasons for the Board of Adjustment's decision shall be stated in writing.

(Ord. 67-2010, passed 5-17-11)

§ 52.080 SSTS CONSTRUCTION PERMIT EXPIRATION.

The SSTS construction permit is valid for a period of one year from its date of issue, provided the preliminary and field evaluations for the SSTS design were completed within 24 months of the date of the SSTS installation.

(Ord. 67-2010, passed 5-17-11)

§ 52.081 FEES.

The County Board has the authority to 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. Construction started before an SSTS construction permit has been obtained shall be charged twice the current SSTS construction permit fee.

(Ord. 67-2010, passed 5-17-11)

§ 52.082 SSTS CONSTRUCTION PERMIT TRANSFERABILITY.

An SSTS construction permit shall not be transferred to a new property owner or different licensed SSTS installer. The new property owner or licensed SSTS installer must amend the SSTS construction permit in accordance with this chapter.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.083 SSTS CONSTRUCTION PERMIT SUSPENSION OR REVOCATION.

(A) The Department may suspend or revoke an SSTS construction permit issued under this chapter for any false statements, erroneous or inaccurate data supplied by the property owner or licensed SSTS designer, or revised interpretation of the law by the Department or a building official, misrepresentations of facts on which the SSTS construction permit was issued or unauthorized changes to the SSTS.

(B) A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the property owner and the licensed SSTS installer.

(C) If suspended or revoked, installation or modification of an SSTS may not commence or continue until a valid SSTS construction permit is obtained.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.084 SSTS CONSTRUCTION PERMIT POSTING.

The SSTS construction permit must be posted on the property in such a location and manner so that the SSTS construction permit is visible and available for inspection until SSTS construction is completed and a certificate of compliance is issued.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

SSTS MANAGEMENT PLAN

§ 52.095 PURPOSE.

The purpose of an SSTS management plan is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required.

(Ord. 67-2010, passed 5-17-11)

§ 52.096 SSTS REQUIRING MANAGEMENT PLANS.

SSTS management plans are required for all new or replacement SSTS. The SSTS management plan must be submitted to the property owner and the Department with the SSTS construction permit application.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.097 REQUIRED CONTENTS OF AN SSTS MANAGEMENT PLAN.

SSTS management plans shall include:

- (A) Operating requirements describing tasks that the property owner can perform and tasks that a licensed SSTS 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 property owner is required to notify the Department when the SSTS management plan requirements are not being met;
- (E) Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence; and
- (F) Other requirements as determined by the Department.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.098 REQUIREMENTS FOR SSTS NOT OPERATED UNDER A MANAGEMENT PLAN.

SSTS that are not operated under an SSTS management plan must have sewage 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 Minn. Rules Chapter 7080.2450.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

SSTS OPERATING PERMIT

§ 52.110 SSTS REQUIRING AN OPERATING PERMIT.

(A) An SSTS operating permit shall be required of all owners of new Type IV, Type V, MSTs, or any other SSTS deemed by the Department to require operational oversight. Sewage effluent must not be discharged to the soil treatment and dispersal system until the Department certifies that the SSTS was installed in substantial conformance, as determined by the Department with the approved plans and a valid SSTS operating permit is issued to the property owner.

(B) Type IV, Type V, and MSTs installed prior to the effective date of this chapter shall require an SSTS operating permit upon transfer of ownership, replacement, modification, or expansion of the SSTS that requires an SSTS construction permit, or following any SSTS enforcement action.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.111 SSTS OPERATING PERMIT APPLICATION REQUIREMENTS.

Application for an SSTS operating permit must be made on a form provided by the Department including:

- (A) Property owner's name, mailing address, telephone, and email address;
- (B) SSTS construction permit reference number and date of issue;
- (C) Final record drawings of the SSTS; and
- (D) SSTS operating permit contracts. The owner of a Type IV, Type V, MSTs, or any other SSTS deemed by the Department to require operational oversight must hold a valid contract with a licensed SSTS service provider at all times, until the time the SSTS is properly abandoned.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.112 SSTS OPERATING PERMIT DEPARTMENT RESPONSE.

The Department is authorized to review the SSTS record drawings, operation and maintenance manual management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the SSTS operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Department.

(Ord. 67-2010, passed 5-17-11)

§ 52.113 SSTS OPERATING PERMIT TERMS AND CONDITIONS.

The SSTS operating permit must include the following:

- (A) SSTS performance and operating requirements;
- (B) Maintenance requirements and frequency;
- (C) Monitoring locations, procedures, and recording requirements;
- (D) Compliance limits and boundaries;
- (E) Reporting requirements of monitoring and maintenance;
- (F) Requirement that the property owner and licensed SSTS service provider must notify the Department when the SSTS operating permit requirements are not being met;
- (G) Disclosure of the location and condition of the alternate SSTS location;
- (H) Stipulation of acceptable and prohibited discharges; and
- (I) Valid contract between the property owner and a licensed SSTS maintenance business or service provider.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.114 SSTS OPERATING PERMIT EXPIRATION AND RENEWAL.

(A) SSTS operating permits shall be valid for the specific term stated on the permit as determined by the Department.

(B) An SSTS operating permit must be renewed prior to its expiration. If not renewed, the Department may require the SSTS to be removed from service or operated as a holding tank until the SSTS operating permit is renewed. If not renewed within 30 calendar days of the expiration date, the Department may require that the SSTS be abandoned in accordance with § 52.058.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.115 AMENDMENTS TO EXISTING SSTS OPERATING PERMITS NOT ALLOWED.

The Department may not amend an existing SSTS operating permit to reflect changes in this chapter until the permit term has expired, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

(Ord. 67-2010, passed 5-17-11)

§ 52.116 SSTS OPERATING PERMITS NOT TRANSFERRABLE.

A new property owner must apply for an SSTS operating permit in accordance with § 52.111 of this chapter. The Department must not terminate the current SSTS operating permit until 60 calendar days after the date of the property transfer. To consider the new property owner's application, the Department may require monitoring by a licensed SSTS service provider in accordance to § 52.118.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.117 SUSPENSION OR REVOCATION OF SSTS OPERATING PERMITS.

(A) The Department may suspend or revoke any SSTS operating permit issued under this section for any false statements or misrepresentations of facts on which the SSTS operating permit was issued or if an imminent threat to public health exists.

(B) Notice of suspension or revocation and the reasons for revocation must be conveyed in writing to the property owner.

(C) If suspended or revoked, the Department may require that the SSTS be removed from service, operated as a holding tank, or abandoned in accordance with § 52.058.

(D) At the Department's discretion, the SSTS operating permit may be reinstated or renewed upon the property owner taking appropriate corrective actions.

(Ord. 67-2010, passed 5-17-11)

§ 52.118 MONITORING REQUIREMENTS FOR SSTS OPERATING PERMITS.

(A) Monitoring of an SSTS must be performed by a licensed SSTS service provider hired by the holder of the SSTS operating permit in accordance with the monitoring frequency and parameters stipulated in the SSTS operating permit.

(B) A monitoring report must be prepared and certified by the licensed SSTS service provider. The report must be submitted to the Department on or before the reporting date stipulated in the SSTS operating permit. The report must contain a description of all maintenance and servicing activities performed since the last monitoring report as described below:

- (1) Property owner's name and address;
- (2) SSTS operating permit number;
- (3) Average daily flow since last monitoring report;
- (4) Description of type of maintenance and date performed;
- (5) Description of samples taken (if required), analytical laboratory used, and results of analyses;
- (6) Problems noted with the SSTS, and actions proposed, or taken, to correct them; and
- (7) Name, signature, and license number of the licensed SSTS service provider who performed the work.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

PROHIBITIONS

§ 52.130 OCCUPANCY OR USE OF A STRUCTURE WITHOUT A COMPLIANT SSTS.

It is unlawful for any person to maintain, occupy, or use any dwelling or structure with plumbing that is not:

(A) Connected to a municipal wastewater treatment system; or

(B) Provided with an SSTS that disposes of wastewater in a manner that complies with the provisions of this chapter.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.131 SEWAGE DISCHARGE TO GROUND SURFACE OR SURFACE WATER.

It is unlawful for any person to construct, maintain, or use any SSTS, 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 by the MPCA.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

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

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.133 DISCHARGE OF HAZARDOUS OR DELETERIOUS MATERIALS.

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

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.134 CONFLICTS OF INTEREST.

A licensed SSTS inspector working on behalf of a local unit of government must not design or install SSTS that the inspector/business will be responsible for permitting or inspecting as part of its local government duties. A person working for or on behalf of a local unit of government is not allowed to use the person's position to solicit for private business gain.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

VARIANCES

§ 52.145 VARIANCE REQUESTS.

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

(Ord. 67-2010, passed 5-17-11)

§ 52.146 AFFECTED AGENCY.

Variations 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.

(Ord. 67-2010, passed 5-17-11) Penalty, § 52.999

§ 52.147 BOARD OF ADJUSTMENT.

(A) The Board of Adjustment has the authority to consider variances in accordance with Minn. Rules Chapters 7080, 7081, and 7082. Variations shall only be allowed when they are in harmony with the general purposes and intent of this chapter where there are practical difficulties or particular hardship in meeting the strict letter of this chapter. Applicants must follow the requirements of Carver County Zoning Code § 152.215.

(B) The Board of Adjustment may not grant variations to the following standards:

(1) Flow determinations under Minn. 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;

(2) Provisions in Minn. Rules Chapter 7080.2150, subpart 2, items A through D, and 7081.0080, subparts 2 through 5, regarding the vertical separation required beneath the distribution media and saturated soil or bedrock from the required three feet of unsaturated soil material, except as provided in Minn. Rules Chapter 7080.2350, must be approved by MPCA; and

(3) Variances to wells and water supply lines must be approved by the Minnesota Department of Health.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

SSTS PRACTITIONER LICENSING

§ 52.160 SSTS PRACTITIONER LICENSING.

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of an SSTS without an appropriate and valid license issued by the MPCA, except as exempted in § 52.161.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.161 SSTS BUSINESS LICENSE EXEMPTIONS.

An SSTS business license is not required for:

(A) An individual who is a qualified employee performing work as directed by a state or local government employer;

(B) A property owner who properly abandons an SSTS provided a final inspection is conducted by the Department or licensed SSTS professional;

(C) An individual who performs supervised labor or services as an employee of a licensed SSTS business;

(D) A farmer who pumps septage from an SSTS that serves dwellings or other establishments that are owned or leased by the farmer and applies septage on land that is owned or leased by the farmer;

(E) A property owner, who personally gathers existing information, evaluates, and investigates an SSTS, to provide a disclosure as defined in M.S. § 155.55, subd. 6, for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual;

(F) An individual who maintains a toilet waste treatment device for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual;

(G) An individual who performs tasks identified in the SSTS management plan, that does not require an SSTS maintainer or service provider license, for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual; or

(H) The owner or designee of a campground or other similar facility who removes and transports sewage wastes from recreational vehicles into a holding or treatment system located on the same property as the facility.

(Ord. 67-2010, passed 5-17-11)

§ 52.162 SSTS LICENSED DESIGNER RESPONSIBILITIES.

It is the responsibility of the licensed SSTS designer to submit a design of sufficient detail to allow adequate review for compliance by the Department. At a minimum the following is required.

(A) A detailed design using worksheets approved by the Department.

(B) The soil observation data must be dated within 12 months of the date of the SSTS construction permit application and verify that there are two soil treatment and dispersal areas, that can support systems as described in Minn. Rules Chapters 7080.2210 through 7080.2230, or site conditions described in Minn. Rules Chapter 7081.0270, subparts 3 through 7, available on the lot. Lots existing prior to January 23, 1996 must provide for one complete SSTS.

(C) The site plan must be drawn to scale, include a north arrow, horizontal, and vertical reference points for the proposed SSTS. The site plan must also include:

(1) The location of all soil observations and other testing, all wells and their depth(s) within 100 feet of the proposed SSTS, and water lines within 50 feet;

(2) Any evidence of cut, filled, disturbed, compacted, or other unsuitable soil on the lot. SSTS proposed in these areas may require a method to determine the timed rate of water flowing through the soil. Acceptable methods include, but are not limited to: percolation tests, permeameter tests, and infiltrometer tests;

(3) The distance from proposed SSTS to all other required setbacks including: existing or proposed structures, or improvements, easements, ordinary high water level, property line(s), and road right-of-way(s);

(4) Slope with percent and direction; and

(5) Elevations of the soil observations, periodically saturated soils, and the proposed bottom of the soil treatment and dispersal system in reference to a bench mark. Flood elevation and/or OHW, are to be included if applicable.

(D) The center of each trench, corners of the bed, and any toe slopes must be staked. The entire area is to be protected from disturbance, compaction, or other damage by installing snow or silt fence when there is any other construction proposed on the property. SSTS soils altered by construction traffic or other means will require a revised design be submitted to the Department along with any required fees.

(E) If a proposed SSTS design cannot meet a technical requirement of this chapter, Minn. Rules Chapter 7080 or Chapter 7081, it is the responsibility of the licensed SSTS designer to contact the Department before the design is completed.

(F) Reuse of any tank(s) for a replacement SSTS must include the MPCA tank integrity and safety compliance form and be included with the SSTS design and SSTS construction permit application.

(G) Submit any additional requirements as may be required by the Department or the MPCA.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.163 SSTS LICENSED INSTALLER RESPONSIBILITIES.

It is the responsibility of the licensed SSTS installer to:

(A) Verify the SSTS layout and placement proper soil moisture conditions for excavation, elevations of sewage tanks, and soil treatment and dispersal system;

(B) Ensure all work is installed in strict accordance with the design as approved by the Department. If the system is not or cannot be constructed as designed, it shall be the responsibility of the licensed SSTS installer to inform the licensed SSTS designer and the Department. If proposed changes are approved by the licensed SSTS designer and the Department, it shall be the responsibility of the licensed SSTS installer to submit new or amended designs to the Department before completing construction;

(C) Follow recommended standards and guidance documents for registered products, check the quality of tanks, and other materials used;

(D) Schedule required inspections with the Department before 3:00 p.m. the day before an inspection or reinspection is requested.

(1) Failure of the licensed SSTS installer to cancel an inspection, at least one hour before the scheduled time, will result in a penalty fee as set forth in the Carver County Fee Schedule.

(2) Failure to pay the penalty fee will result in a freeze on all future SSTS inspections for the affected property until the penalty fee has been paid.

(3) Upon inspection, any part of the SSTS that is determined, by the Department, not to be in compliance with this chapter, Minn. Rules Chapters 7080 or 7081, must be properly corrected and reinspected before a certificate of compliance is issued.

(4) Additional inspections required due to violations of this chapter will be subject to a re-inspection fee as set forth in the Carver County Fee Schedule. The re-inspection payment must be received by the Department within ten days following the re-inspection.

(5) If the Department is unable to complete an inspection, the licensed SSTS installer is to take photographs of critical construction phases. The photos are to be submitted along with an as built and any other requested documentation to the Department. The certificate of compliance will not be issued until the Department has reviewed the submitted documentation.

(6) Lack of inspection(s) by the Department shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, or installing any SSTS;

(E) Uncover, upon request from the Department, any work which is backfilled prior to scheduled inspection(s) to determine compliance;

(F) Provide, upon request from the Department, a copy of the final electrical report to the Department within ten working days of the request. The Department may withhold issuing a final certificate of compliance if the electrical report is not received by the Department when requested; and

(G) Fulfill any additional requirements as may be required by the Department or the MPCA.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.164 SSTS LICENSED MAINTAINER RESPONSIBILITIES.

It is the responsibility of the licensed SSTS maintainer to:

(A) Have equipment capable of agitating the contents of the tank(s);

(B) Thoroughly remove sludge and scum through the maintenance holes. If the property owner or owner's agent refuses to allow removal through the maintenance hole, the maintainer must obtain a signed statement from the property owner or owner's agent, stating said parties were informed of correct removal procedures and reason for refusal. A copy of this statement must be submitted to the Department within 30 days of the pumping;

(C) Note any sensory observations of nondomestic wastes that have been discharged into the SSTS;

(D) Assess the condition of baffles, effluent screens, maintenance hole covers and extensions;

(E) Verify that the tank(s) and all connections are watertight;

(F) Submit a tank maintenance report for each property on forms approved by the Department, to the Department and the property owner. The amount pumped, method, and location of septage disposal must also be included on the form;

(G) Remove all septage from the tank(s) in a sealed container and dispose of in accordance with state, federal, and local requirements.

(1) If septage is to be disposed of into a municipally-controlled wastewater treatment system or into a Metropolitan Waste Control Commission facility, it must be disposed of in a location and manner approved by said governmental authority.

(2) If septage is to be disposed of using land application, Minnesota Pollution Control Agency (MPCA) Septage and Restaurant Grease Trap Waste Management Guidelines, Water/Wastewater-ISTS #4.20, must be followed; and

(H) Fulfill any additional requirements as may be required by the Department or the MPCA.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.165 SSTS LICENSED SERVICE PROVIDER RESPONSIBILITIES.

It is the responsibility of the licensed SSTS service provider to:

(A) Assess the operational status and SSTS performance by sampling, measuring, and observing, to verify compliance with the SSTS management plan or operating permit;

(B) Preserve, store, and ship samples for analysis and interpret sampling results;

(C) Adjust, repair, or replace components to bring the SSTS into proper operational compliance;

(D) Report sampling results, operational observations, system adjustments, and other management activities, in compliance with local ordinances. SSTS management plans or operating permit requirements, before December 1st each year to the property owner and the Department;

(E) Observe and provide written reports of any noncompliance to the property owner and the Department within 30 days; and

(F) Fulfill any additional requirements as may be required by the Department or the MPCA.

(Ord. 67-2010, passed 5-17-11)

§ 52.166 SSTS LICENSED INSPECTOR RESPONSIBILITIES.

It is the responsibility of the licensed SSTS inspector to:

(A) Submit the completed Minnesota Pollution Control Agency compliance inspection form for Existing SSTS to the Department and the property owner within 15 calendar days from the date of the inspection; and

(B) Fulfill any additional requirements as may be required by the Department or the MPCA.

(Ord. 67-2010, passed 5-17-11)

§ 52.167 PERIODICALLY SATURATED SOIL DISAGREEMENTS.

If a documented discrepancy arises on the depth of the periodically saturated soil between licensed individuals for SSTS design or compliance purposes, all disputing parties must follow the procedure outlined in Minn. Rules Chapter 7082.0700, subpart 5.

(Ord. 67-2010, passed 5-17-11)

ADMINISTRATION

§ 52.180 PUBLIC EDUCATION OUTREACH.

Programs may be provided by the Department and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

(Ord. 67-2010, passed 5-17-11)

§ 52.181 RECORD KEEPING.

The Department will maintain records of SSTS construction permit applications, issued SSTS construction permits, fees assessed, variance requests, certificates of compliance, notices of Noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, operating permits maintenance reports, an annual list of all sewage tanks installed in the county sorted by licensed SSTS installers, and other records relevant to each SSTS.

(Ord. 67-2010, passed 5-17-11)

§ 52.182 ANNUAL REPORT.

The Department shall provide an annual report of SSTS permitting activities to the MPCA.

(Ord. 67-2010, passed 5-17-11)

SSTS COMPLIANCE INSPECTION PROGRAM

§ 52.195 DEPARTMENT RESPONSIBILITY.

The Department, or its agent, is authorized to perform various SSTS inspections to assure that the requirements of this chapter are met.

(A) The Department must be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS. As used in this division, “property” does not include a residence or private dwelling.

(B) No person shall hinder or otherwise interfere with the Department’s 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.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.196 NEW SSTS CONSTRUCTION OR REPLACEMENT.

(A) Inspections must be performed on new or replacement SSTS to determine compliance with Minn. Rules Chapters 7080 or Chapter 7081, by a qualified employee or licensed SSTS inspection business, authorized by the Department, who is independent of the property owner and the licensed SSTS installer.

(1) Inspections for Type I SSTS may include, but are not limited to: soil verification, pre-rough up (if needed), tank installation, distribution media/pipe installation, and final inspection.

(2) Inspections for all other SSTS types will include applicable Type I SSTS inspections, and additional inspections, as determined necessary by the Department.

(B) The soil treatment and dispersal system must not be placed into operation until a certificate of compliance has been issued.

(C) A certificate of compliance must be issued by the Department, if the Department has reasonable assurance that the SSTS was built in accordance with the applicable requirements as specified in the SSTS construction permit.

(D) The certificate of compliance must include a certified statement by the qualified employee or licensed SSTS inspector, authorized by the Department who conducted the inspection that the SSTS is or is not in compliance with the chapter requirements.

(E) Certificates of compliance for new SSTS construction or replacement shall remain valid for five years from the date of issue, unless the Department finds evidence of noncompliance.

(Ord. 67-2010, passed 5-17-11)

§ 52.197 EXISTING SSTS COMPLIANCE INSPECTION.

(A) Compliance inspections of existing SSTS are required:

(1) Before any permit or variance is issued for a property with an SSTS located in a shoreland area (1,000 feet of a lake, pond, or flowage; or 300 feet of a river or stream, or the landward extent of a floodplain), subject to the exceptions in Carver County Zoning Code § 152.122;

(2) When there is a change in the use of the property or structure(s) that would affect water use, including but are limited to: a permit or variance to expand a structure for the purpose of a bedroom, home business, contractor's yard, or daycare. The certificate of compliance must also certify that all components are sized to state minimum requirements for the additional bedroom or the change in use;

(3) When an SSTS construction permit is required to repair, modify, or upgrade an existing SSTS;

(4) At the time of property sale or transfer, in accordance with § 52.199. Any evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement, if conducted by a party who is not the SSTS owner, constitutes a compliance inspection, and must be conducted in accordance with Minn. Rules Chapter 7080.1500;

(5) When there is a division of land pursuant to Carver County Zoning Code § 152.035(D);

(6) During systematic lake or area wide SSTS surveys by the Department as described in § 52.043; and

(7) Any time that a building permit is applied for and no record of a soil treatment and dispersal system exists.

(B) When a compliance inspection is required and cannot be completed, due to frost conditions, during the period of November 1 to April 30, permits or land use application(s) pursuant to division (A) of this section can be issued provided an escrow account is provided in the amount set forth in the Carver County Fee Schedule. A compliance inspection must be performed before the following June 1 and/or the SSTS is brought into compliance by the following September 30.

(C) Compliance inspections of existing SSTS must be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed or verified:

(1) Tank watertightness assessment must be completed by pumping all of the tanks. A valid tank integrity report from a licensed SSTS maintainer must be provided;

(2) A soil separation compliance assessment must be completed by a licensed inspection business or a qualified employee inspector with jurisdiction. Compliance must be determined either by conducting new soil observations or by prior soil separation documentation made by two independent parties. The soil observations used for system design or previous inspections are allowed to be used if they contain the information required in Minn. Rules Chapter 7080.1720, subpart 5, items B, D, and F. If the soil separation has been verified by two independent parties, a subsequent determination is not required unless requested by the owner or owner's agent;

(3) Sewage backup, surface seepage, or surface discharge including a hydraulic function report; and

(4) Compliance with the SSTS management plan or SSTS operating permit if applicable.

(D) The certificate of compliance must include a certified statement by a licensed SSTS inspector, indicating whether the SSTS is in compliance with chapter 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 chapter provisions with which the SSTS does not comply.

(E) SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the SSTS operating permit.

(F) SSTS found to be noncompliant with other applicable requirements must be brought into compliance with this chapter within the timeframes established in § 52.055 and § 52.056.

(G) The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the existing SSTS compliance inspection was performed.

(H) Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

(I) The Department may waive an existing SSTS compliance inspection required by this chapter, if the owner of the real property served by an existing SSTS acknowledges in writing to the Department that the existing SSTS is not compliant and will be brought into compliance with this chapter within ten months.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.198 COMPLIANCE CRITERIA FOR EXISTING SSTS.

(A) SSTS that were built before April 1, 1996, are outside of areas designated as shoreland and wellhead protection areas, and do not service a food, beverage, or lodging establishment, must have at least two feet of vertical separation between the bottom of the distribution media and the periodically saturated soil and/or bedrock. The vertical separation measurement must be made outside the area of system influence but in an area of similar soil.

(B) SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined in Minn. Rules Chapter 7080.1100, subpart 84, must have three feet of vertical separation between the bottom of the distribution media and the periodically saturated soil and/or bedrock. The vertical separation measurement must be made outside the area of system influence but in an area of similar soil. Existing SSTS 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 chapter.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

§ 52.199 TRANSFER OF PROPERTIES.

(A) Whenever a conveyance of land occurs, the following requirements shall be met:

(1) The seller of the property is responsible for providing a completed Carver County point of sale certificate and MPCA existing SSTS compliance inspection form, with any required attachments, to the buyer at or before closing. These documents shall provide the status and location of all known SSTS and components thereof on the property and, if applicable, the requirements for bringing the SSTS into compliance with this chapter;

(2) The buyer is responsible to file the Carver County point of sale certificate, and required attachments, along with the certificate of real estate value at the County Auditor's Office; and

(3) If the seller fails to provide a certificate of compliance, sufficient security must be established in the form of an escrow account to assure the installation of a complying SSTS. The security, in the amount set forth in the Carver County Fee Schedule, shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The SSTS must be installed within the time frame established in §§ 52.055 and 52.056. After a complying SSTS has been installed and a certificate of compliance issued, the escrow may be released.

(B) The MPCA existing SSTS compliance inspection form need not be obtained if the sale or transfer involves one of the following circumstances:

(1) Tract of land is vacant or contains no structures with plumbing fixtures;

(2) The SSTS serving the existing dwelling or other structure with plumbing has been abandoned per § 52.058. Attach the MPCA's SSTS abandonment reporting form;

(3) The transfer does not require the filing of a certificate of real estate value, as described in M.S. § 272.115;

(4) The transfer is a foreclosure or tax forfeiture. This subsection applies only for the transfer from the original mortgagee, to the financial/lending institution or local unit of government. The subsequent transfer shall meet the requirements of this chapter;

(5) A refinance of a property;

(6) The sale or transfer is to the seller's spouse or ex-spouse only. The sale or transfer may be by deed, through a joint tenancy, of a testamentary nature, or by trust document;

(7) The sale or transfer completes a contract for deed or purchase agreement entered into prior to February 24, 1998. This division applies only to the original vendor and vendee on such a contract; or

(8) Dwellings or other structures connected exclusively to a municipal wastewater treatment system. Including 201 systems which discharge directly to the Metropolitan Council Environmental Services interceptor/collector sewer and do not utilize a septic tank(s) or soil treatment and disposal system.

(C) All property conveyances subject to this chapter occurring during the period between November 1st and April 30th, and SSTS compliance cannot be determined due to frozen soil conditions, shall have an escrow account established pursuant to the Carver County Fee Schedule. The buyer is responsible to have the compliance inspection completed by the following June 1st by a licensed SSTS inspector. If, upon inspection, the SSTS is found to be in compliance, the funds in escrow may be released. If, upon inspection, the SSTS is found to be non-compliant, the SSTS shall be brought into compliance within ten months from the date of property transfer.

(D) Should the seller fail to have the compliance inspection completed, and neither party established an escrow account, the buyer of the property becomes wholly responsible and shall have a certificate of compliance on the existing SSTS submitted to the Department within 30 days of the property transfer or have the SSTS brought into compliance within 90 days of the property transfer.

(Ord. 67-2010, passed 5-17-11) Penalty, see § 52.999

ENFORCEMENT

§ 52.210 NOTICE OF VIOLATION.

The Department is authorized to 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 may contain:

(A) A statement documenting the findings of fact determined through observations, inspections, or investigations;

(B) A list of specific violation(s) of this chapter;

(C) Specific requirements for correction or removal of the specified violation(s); and/or

(D) A mandatory time schedule for correction, removal, and compliance with this chapter.

(Ord. 67-2010, passed 5-17-11)

§ 52.211 CEASE AND DESIST ORDERS.

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

(Ord. 67-2010, passed 5-17-11)

§ 52.212 CIVIL REMEDIES.

In the event of a violation or a threat of a violation of this chapter, the county may institute appropriate civil actions or proceedings, including injunctive relief, to prevent, restrain, correct, or abate such violations or threat of violations. The county may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the property owner, permittee, licensed SSTS installer, or other responsible person, either in addition to or separate from other enforcement actions.

(Ord. 67-2010, passed 5-17-11)

§ 52.213 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the county, and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

(Ord. 67-2010, passed 5-17-11)

§ 52.999 PENALTY.

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 State Statutes. Each day that a violation exists shall constitute a separate offense.

(Ord. 67-2010, passed 5-17-11)

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.