

STATE OF MINNESOTA  
COUNTY OF CHISAGO  
CITY OF WYOMING

ORDINANCE NO. 2011-01

AN ORDINANCE AMENDING THE CITY OF WYOMING CODE OF ORDINANCES, CHAPTER 36, ARTICLE V: ESTABLISHING MINIMUM STANDARDS FOR AND THE REGULATION OF SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS) WITHIN THE CITY OF WYOMING; INCORPORATING BY REFERENCE MINIMUM STANDARDS AND REQUIREMENTS ESTABLISHED BY MINNESOTA STATUTES AND THE RULES OF THE MINNESOTA POLLUTION CONTROL AGENCY; REQUIRING PERMITS FOR THE INSTALLATION, ALTERATION, REPAIR OR EXTENSION OF SSTS IN THE CITY; ESTABLISHING STANDARDS FOR THE OPERATION, UPGRADE, REPAIR, REPLACEMENT, OR DISCONTINUANCE OF THE USE OF SSTS; ESTABLISHING STANDARDS FOR THE LAND APPLICATION OF SEPTAGE; IMPOSING PENALTIES FOR THE FAILURE TO COMPLY WITH THESE PROVISIONS; PROVIDING FOR ENFORCEMENT OF THESE REQUIREMENTS; AND PROMOTING THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.

NOW THEREFORE, it is hereby ordained by the City Council of the City of Wyoming, Chisago County, Minnesota, that Chapter 36, Utilities, is amended by the addition of the following; Article V, Subsurface Sewage Treatment Systems:

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**DIVISION 1. TITLE**

**SEC. 36 - 181 Title.**

This Ordinance shall be known, cited, and referred to as the SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE except as referred to herein, where it shall be known as “this Ordinance.”

Secs. 36 – 182 – 190. Reserved

**DIVISION 2. PURPOSE**

**SEC. 36 - 191 Purpose.**

The purpose of this Ordinance is to establish minimum requirements for regulation of subsurface sewage treatment systems (hereafter known as SSTS, and including both individual SSTS and midsize MSTs). This Ordinance regulates the treatment and dispersal of sewage within the City 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 City’s citizens by protecting its health, safety, general welfare, and natural resources through promotion of the following:

- (1) The protection of lakes, rivers and streams, wetlands, and groundwater in the City of Wyoming essential to the promotion of public health, safety, and welfare of the City.
- (2) The regulation of SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants into surface waters and groundwater.
- (3) The identification of contamination, the control of its consequences and the abatement of its source and migration.
- (4) The provision of technical services, including education, plan review, inspection, SSTS surveys and complaint investigations to prevent, control and abate water-borne diseases, degradation of surface waters, groundwater related hazards, and public nuisance conditions.

Secs. 36 – 192 – 200. Reserved

**DIVISION 3. AUTHORITY**

**SEC. 36 - 201 Authority**

This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Section 471.62 or successor statutes that are consistent with this Ordinance; and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082, or successor rules that are consistent with this Ordinance. Through adoption of this Ordinance the Wyoming City Council designates the City of Wyoming Building Official and/or his agents as the enforcement authority.

Secs. 36 – 202 – 210. Reserved

**DIVISION 4. DEFINITIONS AND ACRONYMS**

**SEC. 36 - 211 Definitions.**

The following words and terms found within this Ordinance shall be defined as follows:

- (1) **As-Built Drawing:** A set of drawings, completed on a form provided by the City, which documents the final in-place location, size, and type of all SSTS components including the type and result of any testing performed during construction of the system.
- (2) **Certified:** Certified means an individual is included on the agency’s SSTS certification list and is qualified to design, install, maintain, repair, pump, operate, or inspect an SSTS as appropriate with the individual’s qualifications. A certified individual who is working under a license is subject to the obligations of the license. Certified individuals were previously known as registered professionals.

- (18) **(MSTS) Midsize Subsurface Sewage Treatment System:** An individual 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 and that is designed to receive sewage from dwellings or Other Establishments with a design flow of greater than 5,000 gallons per day to 10,000 gallons per day.
- (19) **Notice of Noncompliance:** A document issued by the City of Wyoming notifying the responsible party that the sewage treatment system has been determined to be noncompliant with this Ordinance.
- (20) **MPCA:** Minnesota Pollution Control Agency.
- (21) **Other Establishment:** Any public or private structure other than a dwelling that generates sewage and discharges to a MSTS.
- (22) **Owner:** Owner means any person having possession of, control over, or title to property.
- (23) **Pretreatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharging. The reduction or alteration may be obtained by physical, chemical, or biological processes.
- (24) **Privy:** An aboveground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing and graywater. A privy also means a nondwelling structure containing a toilet waste treatment device.
- (25) **Qualified Employee:** A state or local government employee, who designs, installs, maintains, pumps, or inspects SSTS as part of the person's employment duties.
- (26) **Separation:** The vertical distance between the bottom of a system (rock or media bed) and saturated soil and bedrock.
- (27) **Service Provider:** A licensed service provider business is authorized to measure scum and sludge depths for the accumulation of solids; identify problems related to sewage tanks, baffles, effluent screens, maintenance hold covers, extensions, and pumps and make the repairs; evaluate sewage tanks, dosing chambers, distribution devices, valve boxes, or drop boxes for leakage; and clean supply pipes and distribution pipes. Service provider businesses are also authorized to assess, adjust, and service systems for proper operation; take, preserve, store, and ship samples for analysis; interpret sampling results and report results for an SSTS; and operate sewage collections systems discharging to an SSTS.
- (28) **Sewage:** Waste from toilets, bathing, laundry, or culinary activities or operations or from the floor drains associated with these sources. "Sewage" shall include household cleaners and other constituents in amounts normally used for domestic purposes.
- (29) **(SSTS) Subsurface Sewage Treatment System:** Either an individual subsurface sewage treatment system or a midsize subsurface sewage treatment system as defined in 7081.0020, subpart 4, as applicable.
- (30) **State:** The State of Minnesota.
- (31) **SWF:** Systems in shoreland areas or wellhead protection areas or systems serving food, beverage, or lodging establishments; or "SWF" means the following three categories of systems: SSTS constructed in shoreland areas where land adjacent to public waters has been designated and delineated as shoreland by local ordinance as approved by the Department of Natural Resources; SSTS constructed in wellhead protection areas regulated under Minnesota Statutes, chapter 103I; and SSTS serving food, beverage, and lodging establishments that are required to obtain a license under Minnesota Statutes, section 157.16,

**DIVISION 5. GENERAL PROVISIONS**

**SEC. 36 - 221 Scope.**

- (1) This Ordinance regulates the siting, design, inspection, installation, alteration, operation, maintenance, monitoring, and management of all SSTS and sewage within the City's jurisdiction; or imported for land application purposes from outside the City's boundaries. All sewage generated within the City's jurisdiction shall be treated and dispersed by a compliant SSTS or a municipal sewage treatment facility.
- (2) The provisions of this Ordinance shall apply to all lands, properties, buildings and other structures or use of land within the City of Wyoming, Minnesota that are served or are proposed to be served by a SSTS.

**SEC. 36 - 222 Management.**

- (1) Administration  
The Department shall administer the SSTS program and all provisions of this Ordinance and retain Qualified Employees to do so. The Department shall be the final arbiter on any disputes regarding periodically saturated soils.

**SEC. 36 - 223 Indemnification.**

No liability or responsibility may be imposed upon the Department or any of its officials, employees, or other contract agent, for damage resulting from defective construction, operation, or abandonment of any SSTS regulated under this Ordinance, provided the Department employees and/or agents acted in good faith, under the authority expressly granted to the City by Statute and Ordinance.

Secs. 36 – 224 – 230. Reserved

**DIVISION 6. GENERAL REQUIREMENTS**

**SEC. 36 - 231 Effective Date.**

- (1) Effective Date for Provisions of This Ordinance  
This Ordinance shall be in full force and effect after its approval and publication as provided by law, pursuant to Sec. 36 – 367 of this Ordinance.
- (2) Permits Approved Prior to Effective Date.  
Unexpired permits that were issued prior to the effective date of this Ordinance shall remain valid under the terms and conditions of the original permit until the original expiration date.

**SEC. 36 - 232 Minimum Soil Test Area Requirements.**

- (1) Lots created prior to November 2, 1987 shall be required to demonstrate 5,000 square feet of percolation tested soils capable of supporting a Type I SSTS.
- (2) Lots created between November 2, 1987 and July 16, 1997 by means of a platted subdivision shall require 10,000 square feet of area tested and suitable for a Type I septic system, to provide for a primary as well as a secondary site.
- (3) All lots created after January 23, 1996, whether platted or not, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.
- (4) All lots created after July 16, 1997 shall require one acre of buildable soil (as defined by the City of Wyoming Zoning Ordinance) to be identified on each lot, in addition to 10,000 square feet of percolation tested soils, which are suitable for a Type I SSTS and reserved as the primary and secondary installation sites.

**SEC. 36 - 234                    SSTS in Floodplains.**

- (1) New Construction  
SSTS for new homes shall not be located in a floodway or any part of a floodplain.
- (2) Replacement Systems  
SSTS shall not be located in a floodway, and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

**SEC. 36 - 235                    Class V Injection Wells.**

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, shall submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

**SEC. 36 - 236                    SSTS Licensing.**

- (1) No person shall engage in site evaluation, design, installation, construction, alteration, extension, repair, maintenance, pumping, or inspection of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083.
- (2) Inspections of new, replacement or expansion of SSTS within the City's jurisdiction shall only be performed by a Qualified Employee.
- (3) Compliance inspections of existing SSTS shall be performed by a Qualified Employee or an independent certified inspector.
- (4) A property owner who wishes to construct an SSTS to treat wastewater generated solely by his own dwelling or seasonal residence is exempt from the licensing requirement if a site evaluation and system design are provided by licensed individuals as part of the permit process.

**SEC. 36 - 237                    Prohibitions.**

- (1) Sewage Discharge to Ground Surface or Surface Water.  
It is unlawful for any person to construct, maintain, or use any sewage system that discharges raw or partially treated wastewater onto the ground surface or into any surface water. Any surface discharging system shall have an approved permit under the National Pollutant Discharge Elimination System program administered by the MPCA.
- (2) Sewage Discharge to a Well or Boring.  
It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050 or any other excavation in the ground that is not in compliance with this Ordinance.
- (3) Discharge of Hazardous or Harmful Materials.  
It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or harmful material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

**SEC. 36 - 238                    Maintenance.**

The City shall mail a Maintenance Report Form by April 1 of each year to properties containing subsurface sewage disposal systems due to have maintenance checks. All systems shall have maintenance checks triennially. Those on-site sewage disposal systems found to have permitted, through misuse or abuse, sludge

- (5) The riser, pump, pump controls, and pump discharge line shall be installed to allow access for servicing or replacement from grade, without entering the tank or riser.
- (6) All properties served by an SSTS shall require a compliance inspection, and/or arrangements for an upgrade, repair, or replacement in accordance with Division 12 prior to the time of property transfer.
- (7) Each site evaluation submitted for approval in support of a Permit application shall include four (4) soil profile assessments and two (2) percolation tests per site. Soil profile assessments conducted in frozen soil conditions shall not be accepted in support of an SSTS Permit application.

**SEC. 36 - 253                    Determination of Hydraulic Loading Rate and SSTS Sizing.**

Table IXa from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) is herein adopted by reference and shall be used to determine the hydraulic loading rate and infiltration area for all SSTS Permitted under this Ordinance.

**SEC. 36 - 254                    Holding Tanks.**

- (1) For dwellings, holding tanks may be allowed as replacements for existing non-compliant SSTS only when it can be shown conclusively that a SSTS cannot be installed according to this Ordinance upon receipt of a certified statement submitted by a Certified Designer stating that a fully compliant SSTS is not possible to design or install on the subject property.
- (2) Upon approval of the Department, holding tanks may be used in certain circumstances, to serve buildings other than residential dwellings, provided the gallons per day water use is determined to be limited.
- (3) In no case shall holding tanks receiving sewage be allowed for new food, beverage, lodging facilities, and Other Establishments.
- (4) All holding tanks shall be installed in accordance with Minnesota Rules Chapter 7080.2290.
- (5) For a dwelling the minimum size of a holding tank is 1,000 gallons, or 400 gallons times the number of bedrooms, whichever is greater.
- (6) The owner of a property served by a holding tank shall maintain a valid contract with a Certified Maintainer to regularly pump and haul the holding tank waste to a Municipal Sewage Treatment Facility, or an approved land application site.
- (7) Bedroom additions to a dwelling with an existing holding tank shall be allowed upon prior approval of the Department.

Secs. 36 – 255 – 260. Reserved

**DIVISION 8.                    SSTS CONSTRUCTION PERMITS**

**SEC. 36 - 261                    Permits Required.**

- (1) It is unlawful for any person to construct, install, modify, repair, or replace a SSTS without the appropriate Permit from the Department. The issuing of any Permit, variance, or conditional use under the provisions of this Ordinance shall not relieve the applicant of the responsibility to obtain all other required Permits.
- (2) A SSTS Permit is required for all activities regulated in Chapters 7080 and 7081.

**SEC. 36 - 269                      Suspension or Revocation.**

The Department may suspend or revoke an SSTS Permit for any false statements or misrepresentations of facts, upon which Permit approval had been based; or any unauthorized changes to the system design. A notice of suspension or revocation and the reasons therefore shall be conveyed in writing to the Permit holder. If suspended or revoked, the installation or modification of the SSTS may not commence or continue until a valid SSTS Permit is reissued.

**SEC. 36 - 270                      Posting.**

The SSTS Permit and approved design shall be posted in a visible and accessible location on the property. The Permit and design shall remain on-site and available for inspection until construction is completed, and all inspections have been performed. Failure to maintain the Permit and approved design on-site shall result in a reinspection fee pursuant to the City fee schedule.

Secs. 36 – 271 – 280. Reserved

**DIVISION 9.                      MANAGEMENT PLANS**

**SEC. 36 - 281                      SSTS Requiring Management Plans.**

Management plans are required for all new and replacement SSTS. The management plan shall be written by the Certified Designer and submitted to the Department with the Permit application. The Certified Designer must provide a copy of the management plan to the system owner.

**SEC. 36 - 282                      Required Contents of a Management Plan.**

Management plans shall include submittals and data pursuant to Minnesota Rules, Chapter 7082.0600, Subp. 1, and other requirements as determined by the Department to be necessary.

Secs. 36 – 182 – 190. Reserved

**DIVISION 10.                      OPERATING PERMIT**

**SEC. 36 - 291                      Operating Permit Required.**

Operating Permits are required upon completion of installation of holding tanks or SSTS as provided below:

**SEC. 36 - 292                      SSTS Requiring an Operating Permit.**

An Operating Permit shall be required for all holding tanks, privies, MSTs, or Type II, III, IV, or V system installed after the date of this Ordinance, which is deemed by the Department to require operational monitoring. Sewage shall not be discharged to such holding tank, privy or system until the Department certifies that the system or holding tank was installed in accordance with the approved plans, receives the as-built drawings of the SSTS, and a valid Operating Permit is issued to the owner.

**SEC. 36 - 293                      Operating Permit Application Requirements.**

- (1) Application for an Operating Permit shall be made on a form provided by the Department, and the following submittals may also be required:
  - (a) As-built drawings of the treatment system
  - (b) Holding Tank or Privy Disposal Contract
    1. Owners of holding tanks or privies must submit a valid, executed pumping contract with a Certified Maintainer.
  - (c) Monitoring and Mitigation Plan shall include:
    1. Monitoring locations, procedures and recording requirements.
    2. Maintenance requirements and schedules.



**DIVISION 11. ABANDONMENT CERTIFICATION**

**SEC. 36 - 301 Abandonment Requirements.**

- (1) Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement, or decommissioning further use of the system or any system component for sewage discharge or any purpose under this Ordinance is not permitted. Any discontinuation terminates all Permits associated with the system.
- (2) If existing tanks will be reused, a statement from a Certified Inspector or a Qualified Employee must be submitted with an application for an Operating Permit prior to use of the existing tanks as holding tanks.
- (3) Abandonment shall be completed upon the discontinued use of the system in accordance with Minnesota Rules, Chapter 7080.2500. A pumping receipt and a report of abandonment shall be submitted to the Department on a form provided, within 90 days of abandonment.

Secs. 36 – 302 – 310. Reserved

**DIVISION 12. COMPLIANCE INSPECTIONS**

**SEC. 36 - 311 Compliance Inspections.**

All compliance inspections required under the jurisdictional authority of this Ordinance must be performed by Qualified Employees of the Department or an independent certified inspector.

**SEC. 36 - 312 Circumstances Which Require a Compliance Inspection.**

A compliance inspection is required by the City of Wyoming:

- (1) Before issuance of a building permit for the addition of a bedroom or other project or improvement which may impact the performance or sizing of an existing SSTS.
- (2) At the time of property sale or transfer in accordance with Sec. 36 – 314 of this Ordinance.
- (3) In conjunction with variances for projects that may potentially impact future need for additional septic area, performance, or sizing, of an existing SSTS.
- (4) In shoreland areas before issuance of a building permit for projects other than routine maintenance, such as replacement of windows, doors, siding, roofing, gas conversions; and the repair of decks.
- (5) Any time there is an increase or change in occupancy group as classified in the State Building Code, or an expansion or intensification of use of the building being served by an existing SSTS which may impact the performance or sizing of the system as determined by the Department.
- (6) Any time there is a change in use of the property being served by an existing SSTS, which may impact the performance or sizing of the system;
- (7) At any time the Department deems it necessary or appropriate in the interest of public safety.

**SEC. 36 - 313 Compliance Inspection Requirements.**

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

- (a) Assessment of watertightness of all tanks at or below the operating level. This assessment shall include a leakage report which may be a visual observation. The tank must be pumped as clean as possible through the manhole;

- (a) In accordance with 7082.0700, Subp. 4, C, an independent certified inspector shall submit to the Department for review the inspection report form no later than fifteen (15) days after the compliance inspection.
- (b) If the system is found to be compliant a Certificate of Compliance shall be issued by the Department.
  - 1. Any new septic installation permitted and inspected by the City shall be considered to have a valid certification for five (5) years following the original installation unless evidence is found identifying an imminent threat to public health and safety.
  - 2. Existing systems which have been certified by the City as being code compliant shall have the certification considered valid for a three (3) year period of time following the certification unless evidence is found identifying an imminent threat to public health and safety.
- (c) If the system is found to be failing, noncompliant, or an imminent threat to public health and safety, an upgrade shall be required as follows:
  - 1. Systems determined to be an imminent health threat to public health and safety shall be upgraded, replaced, repaired, or the use discontinued, within sixty (60) days of a Notice of Noncompliance from the Department.
  - 2. An SSTS that is determined to pose a threat of failure to protect groundwater shall be upgraded upon the sale or transfer of property, or in conjunction with the issuance of the associated building permit, or not more than one (1) year after a Notice of Noncompliance from the Department, whichever is sooner.

TABLE 1 – COMPLIANCE CRITERIA FOR EXISTING SYSTEMS

Separation Distances	PRIOR to April 1996		AFTER April 1996	
	In SWF	Out of SWF	In SWF	Out of SWF
Less than 12 inches	Non-Compliant	Non-Compliant	Non-Compliant	Non-Compliant
12 – 24 inches	Non-Compliant if less than 30.6 inches	Non-Compliant if less than 24 inches	Non-Compliant if less than 30.6 inches	Non-Compliant if less than 30.6 inches
24 inches or Greater	Non-Compliant if less than 30.6 inches	Compliant	Non-Compliant if less than 30.6 inches	Non-Compliant if less than 30.6 inches

(4) Point of Sale – Transfer of Properties with Existing SSTS

- (a) No owner of a property served by an SSTS located in the City of Wyoming, which is not served by public sewer, shall transfer such property by conveyance or contract for conveyance without providing for an inspection of the septic system by a Qualified Employee of the Department or an independent certified inspector, prior to the time of sale. The owner of the property must disclose in writing, to the buyer, all known information about the status and location of any SSTS on the property.
  - 1. Time of sale shall mean when a written purchase agreement or contract is executed by the buyer or in the absence of a purchase agreement, the time of the execution of any document providing for the conveyance by deed or contract.

costs associated thereto shall be assessed to the property as outlined in Sec. 36 – 351 of this ordinance.

- (5) **Well water test required.** All property owners that are required to provide a certificate of compliance shall also provide to the City the results of a current test of the property's well water for fecal coliform and nitrates. The purpose of the water test is to develop a database of the condition of the City's well water resources.

Secs. 36 – 318 – 320. Reserved

**DIVISION 13. CONSTRUCTION INSPECTIONS**

**SEC. 36 - 321 New Construction or Replacement General Requirements.**

Inspections must be performed by a Qualified Employee for all new or replacement SSTS to determine conformance with Minnesota Rules, Chapters 7080 or 7081.

- (1) It is the responsibility of the SSTS owner or the owner's agent to provide the Department at least twenty four (24) hours notice to schedule an inspection prior to any permitted work on the SSTS.
- (2) A Certificate of Compliance for new SSTS shall be issued by the Department if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the Permit.
- (3) No SSTS shall be placed into operation until a valid Certificate of Compliance has been issued for the system.
- (4) A temporary Certificate of Occupancy may be issued for a residence to allow the use of the septic tank as a holding tank, during winter months until the remainder of the SSTS can be installed when weather permits. A deposit according to the City fee schedule will be required and a pumping contract must be submitted to the Department prior to the issuance of the temporary Certificate of Occupancy.
- (5) In addition to the inspection requirements listed in this Division 13, additional inspections may be required. Any variation from the required inspection schedule requires prior approval from the Department.

**SEC. 36 - 322 Trench, Pressure Bed, and Chamber Systems.**

- (1) Observation Pit
  - (a) Prior to the installation of a below-grade SSTS, an observation pit shall be excavated for purposes of viewing the soil profile.
    1. The tank pit may be used as the observation pit at the discretion of the Qualified Employee.
- (2) Tank Inspection
  - (a) The top of all tanks shall be exposed for viewing tank levelness, tank depth, and pipe connections. The tank size stamp shall be visible.
  - (b) Manhole risers and inspection pipes shall be in place. All wiring and pumps shall be in place.
- (3) Trench/Pressure Bed/Chamber Inspection
  - (a) Rock, chambers or any product listed on the MPCA approved product list shall be in place and leveled in each trench or bed.

- (c) The plastic limit of the soil shall not be exceeded; if the soil can be rolled into a wire one-eighth (1/8) inch or less the moisture content is too high for installation of a sewage treatment system.
  - (d) Scarification shall be inspected prior to covering with clean washed sand or the media bed.
- (2) Media Bed Inspection
- (a) The media bed shall be level; the distribution lines, laterals, and manifold shall be completely exposed for inspecting.
  - (b) Holes in laterals shall be facing downward and laterals must extend to the surface.
  - (c) Upon completion of the inspection, geotextile fabric shall be placed over the entire media bed.
- (3) Tank Inspection
- (a) The top of all tanks shall be exposed for viewing tank levelness, tank depth, and pipe connections. The tank size stamp shall be visible.
  - (b) Manhole risers and inspection pipes shall be in place. All wiring and pumps shall be in place.
- (4) Final Inspection  
Fill cover depth on the system shall be as follows:
- (a) A twelve (12) inch sand to loam cover at center of media bed, running the length of the media bed, sloping to a depth of six (6) inches at media bed edges.
  - (b) Six (6) inches of non-peat topsoil shall be placed over the entire system.
  - (c) The total depth of soil at the center of the media bed, running the length of the media bed, shall be eighteen (18) inches, and the cover depth shall be not less than twelve (12) inches at the media bed edges.
  - (d) All wiring, pumps, and alarms shall be in place and in working order.
  - (e) Final grade over any tank must be crowned for settling and sloped to provide drainage away from the tanks. Manhole covers shall be brought to final grade with sufficient insulation established to protect from freezing.
  - (f) A seed or mulch cover shall be established over the entire mound or at-grade area.
  - (g) The mound or at-grade must be protected against erosion and freezing until a vegetative cover is established. The vegetative cover shall not interfere with the hydraulic performance of the system and shall provide adequate frost and erosion protection.
- (5) As-Built Drawing
- (a) The as-built must be completed by the installer or homeowner who performed the installation, and submitted to the Department. A Certificate of Compliance shall only be issued following submittal of the as-built.

**SEC. 36 - 325 Reusing Tank.**

- (1) Tanks being proposed for re-use shall meet all criteria stated in Chapter 7080 and this Ordinance. Tanks shall be opened and pumped as clean as possible through the manhole for inspection.

- (15) **Restrictive Layer:** The point in depth in the soil where anaerobic conditions exist in the profile, indicated by redoximorphic features, bedrock, water or other evidence of saturation.
- (16) **Seasonal High Water Table:** The highest level the water table reaches during a given year.
- (17) **Septage:** Solids and liquids removed during the periodic maintenance of a SSTS, or solids and liquids that are removed from toilet waste treatment devices.
- (18) **Shoreland District:** Land located within one thousand (1000) feet from the ordinary high water mark of a lake, pond, or flowage; three hundred (300) feet from a river or stream, or the landward extent of a floodplain on such a river or stream, whichever is greater.
- (19) **Vectors:** Organisms such as flies, mosquitoes, and rats that have the potential to carry diseases.

**SEC. 36 - 332                      Scope and Jurisdiction.**

This Division shall regulate the application of all septage that is applied to any land within the City of Wyoming. This section shall regulate land suitability, establish methods and procedures required, and establish limits for land application of septage within the City.

**SEC. 36 - 333                      General Provisions.**

- (1) It is unlawful to discharge septage to any surface water or well, or on any land within the City that has not been issued a valid Land Application Permit.
- (2) **Maintainers License Required.**  
Land application of septage must be conducted by a Maintainer licensed by the MPCA.
- (3) **Permit Required.**  
Septage shall be disposed of at a licensed municipal sewage treatment facility or land applied on land which has been issued a valid Permit.
- (4) **Specified Method of Application.**  
Land application of septage may only be applied in the manner, method, and amount; and under the conditions which are specified in the Permit.
- (5) **Application Prohibited.**  
No person shall dispose of septage in a manner that:
  - (a) Contaminates the ground water, or surface water in any way.
  - (b) Results in pathogens or other contaminants coming into contact with humans through direct contact, vectors, or through the food chain.
  - (c) Is dangerous, or a hazard to humans or animals, both wild and domestic.
  - (d) That restricts or inhibits the soils ability to support viable plant growth.

**SEC. 36 - 334                      Permit.**

A Permit is required for each parcel of land to which septage is applied.

- (1) **Permit application.**  
An application for a Permit to land apply septage on a specific parcel of land shall be made to the Department on forms provided by the Department. At a minimum the application must contain the following information:
  - (a) The legal description and the Parcel Identification Number for the proposed receiving site.
  - (b) The name and address of the landowner, and a signed copy of the agreement with the landowner for land application on the specified parcel of land.

**Required Land Application Methods.**

- (1) Land application methods must comply with EPA 40 CFR Part 503 Rules & Regulations for pathogen reduction, vector attraction reduction, and for maximum volume of septage that may be applied to any site during a 365 day period.
  - (a) Three Options for Required Vector Attraction Reduction.  
One of the vector attraction reduction requirements in items a through c must be met when septage is land applied.
    1. Injection  
Septage may be injected into the soil. No significant amount of septage can be present on the soil surface within one hour after injection has taken place.
    2. Immediate Incorporation  
Septage may be incorporated by tillage within six hours after surface application. No significant amount of septage can be present on the soil surface within one hour after incorporation has taken place.
    3. Lime Stabilization  
The pH of the septage must be raised to 12.0 or greater by alkali addition, and that level maintained for 30 minutes without further addition of alkali.
- (2) Septage application rates must not supply more available nitrogen in the cropping year than allowed in EPA 40 CFR Part 503.
- (3) The boundaries of land application sites must be identified and marked during septage application, unless the boundaries are apparent such as roads, fences, tree or vegetation lines, or steep slopes.
- (4) Land application shall be performed in a manner so as to provide uniform application and timing. Rates and methods of application shall ensure that the septage remains where it was applied.
- (5) Septage shall not be applied by spraying from a public road or across road right-of-ways.
- (6) The application vehicle must be moving at all times during application.
- (7) A distribution device such as a splash plate or a spreader shall be used to evenly distribute the septage.
- (8) The application shall be screened to remove large objects which must be removed and disposed of properly.
- (9) Soils must dry between applications.
- (10) Soils wetter than the plastic limit shall not be driven on.
- (11) When soils are snow covered or frozen, the application rate is limited to 10,000 gallons per acre or less, and application is only allowed on slopes of 2 percent or less. Each area of the site may be covered only once. No further application is allowed until the previous application has infiltrated the soil.
- (12) Septage must not be applied on areas with ponding water or septage.
- (13) Slope Restrictions  
Land application methods shall be determined by percentage of slope and are listed in Table 2.

- (15) Daily surface application rates of liquid septage on non-frozen, non-snow covered sites are found in Table 4.

TABLE 4	
Soil Texture	Maximum daily application rate Gallons/Acre/Day
fine sand and loamy sand	25,000
Sandy loam, loam silt or silt loam	15,000
sandy clay loam, clay loam, sandy clay or silty clay loam	10,000

- (16) Land application sites shall not be used for crops for direct human consumption unless the waiting period on Table 5 is followed.

TABLE 5	
Restricted Activity	Waiting Period
Food crops whose harvested part may touch the soil/septage mixture (melons, squash, tomatoes, etc)	14 months
Food Crops with harvested parts below the surface (potatoes, carrots etc)	38 months
Feed, food, or fiber crops that do not touch the soil surface (field corn, sweet corn, hay, flax, etc)	30 days
Turf harvest	1 year
Grazing of animals	30 days
Public access to land: high potential for exposure low potential for exposure	1 year 30 days

**SEC. 36 - 337 Grease Trap Wastes.**

Land application of grease trap waste or grease trap wastes mixed with non-grease trap septage, must follow the most restrictive provision as follows:

- (1) Grease trap waste must be incorporated into the soil within six hours of surface application. The application rate shall not exceed 15,000 gallons per acre per year.
- (2) Grease trap waste must be injected into the soil and is limited to an application rate of 15,000 gallons per acre per year.
- (3) Grease trap waste from a tank designed for the purpose of removing fats, oils and greases from effluent before discharge to an SSTS must be mixed with domestic septage prior to land application. The quantity of grease trap waste mixed with septage cannot exceed twenty-five (25) percent of the mixture by volume. Maximum application rates of this mixture are limited to 60,000 gallons per acre per year.
- (4) When no separate grease trap is in place to collect greases, fats and oils, the septic tank that receives effluent shall be considered the grease trap. The grease trap waste from this first septic tank must be combined with domestic septage and mixed prior to land application. The quantity of grease trap waste mixed with septage cannot exceed fifty (50) percent of the mixture by volume. The source of the septage used for diluting the grease trap waste can be

**SEC. 36 - 344                      Civil and Other Action.**

In the event of a violation or imminent violation of this Ordinance, the City may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct, or abate such violations or imminent violations. The City Attorney shall have authority to commence such civil action. The Department and City Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

Secs. 36 – 345 – 350. Reserved

**DIVISION 16.                      COSTS AND REIMBURSEMENTS**

**SEC. 36 - 351                      Cost and reimbursements.**

If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees, at the discretion of the City Council in addition thereto.

- (1) Authority for assessments. Pursuant to M.S. §429.101, Subd. 1(3), The City may provide for the collection of unpaid special charges for all or any part of the cost of the inspection, upgrade, repair or replacement of a failing septic system or contaminated well and all cost associated thereto shall be assessed to the property.
- (2) The procedure for assessments. The assessment procedure under this ordinance shall be as established under M.S. §§429.061, 429.071 and 429.081.

Secs. 36 – 352 – 360. Reserved

**DIVISION 17.                      ADMINISTRATION**

**SEC. 36 - 361                      Fees.**

The City Council shall adopt a fee schedule for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

**SEC. 36 - 362                      Interpretation.**

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

**SEC. 36 - 363                      Variations and Appeals.**

- (1) Variance Requests
  - (a) An owner may request a variance from the standards specified in this Ordinance pursuant to the City of Wyoming Zoning Ordinance, Article V, Division 7.
- (2) Appeals
  - (a) An owner may make an administrative appeal from a decision made by the Department, pursuant to City of Wyoming Zoning Ordinance, Article V, Division 3.
- (3) Planning Commission.
  - (a) The Planning Commission shall not have the authority to consider variances from technical standards, system sizing, or vertical separation as specified by Chapters 7080, 7081, 7082, and 7083.

**SEC. 36 - 364                      Severability.**

Sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph of section of this Ordinance shall be declared unconstitutional, invalid, or