

# KOOCHICHING COUNTY

## Subsurface Sewage Treatment System (SSTS) Ordinance

Adopted: August 26, 2008

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SSTS ORDINANCE**

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## Section 1 STATUTORY AUTHORIZATION AND PURPOSE

- A. Statutory Authorization.** This Subsurface Sewage Treatment System (SSTS) Ordinance is adopted by the Koochiching County Board of Commissioners and accepted by the State of Minnesota Pollution Control Agency (MPCA) pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A, Minnesota Rules Chapter 7082, and to local standards amending State law pertaining to sewage and wastewater treatment.
- B. Title.** This Ordinance shall be known, cited and referred to as the Subsurface Sewage Treatment System (SSTS) Ordinance for Koochiching County, Minnesota except as referred to herein, where it shall be identified as "this Ordinance".
- C. Purpose.** The purpose of this ordinance is to provide minimum standards for and regulation of subsurface sewage treatment systems (SSTS) and sewage disposal, including their proper location, design, construction, operation, maintenance and repair; to protect surface water and ground water from contamination by human sewage; to protect the public health and safety, and eliminate or prevent the development of public nuisances. This Ordinance is enacted pursuant to Minnesota Statutes, Chapters 115, 145A, 375, 394 and 471, and specifically including Sections 115.55, 145A.05, 375.51, 394.21 through 394.37 and 471.82; and applies to all incorporated and unincorporated areas of the County of Koochiching except incorporated areas which have adopted standards that comply with Minnesota Statute §155.55 and are at least as strict as this Ordinance.
- D. Objectives.** The principal objectives of this section shall include the following:
1. The protection of Koochiching County's lakes, wetlands, rivers, streams, groundwater and supplies of potable water essential to the promotion of public health, safety and welfare; the protection of the County's environment and the promotion of its socio-economic growth and development in perpetuity.
  2. The regulation of SSTS construction, reconstruction, repair, maintenance and septage disposal to prevent the entry and migration of contaminants, thereby assuring the non-degradation of surface and ground water and assuring that all sewage generated in Koochiching County is treated in an MPCA permitted facility or in accordance with MN Rules 7080 and 7081.
  3. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
  4. The prevention and control of waterborne disease, lake degradation, potable water-related hazards and public nuisance conditions through plan reviews, inspections and complaint investigation, and through the positive stages of technical assistance and public education.
- E. Severability.** If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- F. Interpretation and Application.** The provisions of this ordinance shall be considered minimum requirements and shall be liberally construed in favor of Koochiching County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

## SECTION 2.0 TECHNICAL STANDARDS

- A. Conventional Technical Standards adopted by reference.** The County hereby adopts, by this reference, Minnesota Rules Chapter 7080, Parts 7080.1500 to 7080.2550 except 7080.1710 subpart H and 7080.1730 subpart J, and also adopts by reference Minnesota Rules Chapter 7081 Parts 7081.0080 to 7081.0300, relating to individual sewage treatment systems as now constituted and from time to time amended, except as those Rules are modified in this Ordinance for application in Koochiching County. Elimination of said parts does not mean the soil survey should not be used as an information and comparison tool when available, however using the survey is not required by this Ordinance.

**B. Variations from technical standards in Minnesota Rules 7080 and 7081.** Koochiching County departs from the technical standards for SSTS in Minnesota Rules 7080 and 7081 as described in this ordinance.

### **SECTION 3.0 APPLICABILITY**

- A. New and existing SSTS.** This ordinance shall regulate the design, construction and repair of SSTS located within the unincorporated areas of Koochiching County, including but not limited to new individual on-site and cluster or community SSTS, privy and other non-water carried SSTS, and the repair and/or replacement of existing SSTS that fail to protect groundwater.
- 1. Existing systems.** This ordinance sets standards for when existing systems must be inspected, modified, repaired, or replaced. Modifications, repairs, or replacement for existing systems may be required when the systems are deemed to be failing to protect groundwater, when they present an imminent threat and when additional bedrooms are added to buildings.
    - a. Systems presenting an imminent threat.** A system that presents an imminent threat to public health or safety (ITPH), defined as situations with the potential to immediately and adversely affect or threaten public health or safety, must be upgraded, replaced, or properly abandoned within ten months after the owner receives a notice of noncompliance.
    - b. Issuance of permit in shoreland, floodplain requires SSTS compliance.** If a permit is issued for a new home, cabin, business or other building with pressurized water and plumbing fixtures, or if a permit is issued for a bedroom addition within the shoreland district or designated floodplain the existing system serving that property must be brought into compliance with the provisions of this ordinance. If a new system or upgrading of an existing system is required, the new system or upgrade must be completed prior to the completion of the new building construction.
      - i. Non-compliant existing systems.** If a system constructed before January 3, 1996 does not comply with the applicable requirements and is not an imminent public health threat, an owner requiring permit a to construct a bedroom addition has 5 years from the date of permit issuance to bring the system into compliance with the applicable standards.
      - ii. Two feet of separation.** Compliance inspections in non-SWF areas finding not less than 2 feet of separation between the bottom of the soil distribution medium and periodic saturation, bedrock or other restrictive layer, and where a public health threat does not exist, are considered working systems and are not required to be replaced or repaired.
  - 2. New Systems.** All new SSTS must meet the technical and management standards of Minnesota Rules Chapter 7080, except as otherwise described in this ordinance.
  - 3. Notice of non-compliance.** When, after inspection of any existing system, a Notice of Noncompliance is issued and copies provided to the owner and ESD within 15 days, the owner must adhere to the following conditions:
    - a. Not an imminent threat.** An SSTS serving a building outside of any floodplain or shoreland district that is found to be failing to protect groundwater but meets the following criteria shall be upgraded, replaced or repaired in compliance with this Ordinance within 5 years.
      - i. The SSTS is not considered an imminent public health threat.**
    - b. Imminent threat.** When an SSTS is determined to be posing an imminent threat to public health or safety the owner shall , upon receipt of the Notice of Non-Compliance do all the following:
      - i. Halt sewage discharge to surface waters or the ground surface or prevent the further backup of sewage within 10 days of receiving notification;**
      - ii. Submit in writing an acceptable replacement or repair plan to ESD within forty five (45) days of receiving notification. Failure to submit and execute an acceptable replacement plan is a violation of this ordinance;**

- iii. Upgrade, replace or repair the SSTS within the time frame established by the administrative officer, which is not in any case to exceed 10 months.
- c. **Weather considerations.** The ESD may give consideration to weather conditions in establishing compliance dates. The Notice of Non-Compliance from the Department must specify why the system must be upgraded, replaced or its use discontinued.
- d. **Recertification.** The ESD may not require recertification of an SSTS within 3 years for an existing system and within 5 years for a new system of its certification date (Certificate of Compliance inspection date), provided the system does not fail to protect groundwater or become an imminent threat to public health or safety.

**SECTION 4.0 ADMINISTRATIVE RESPONSIBILITY**

- A. Administration by Koochiching County.** The ESD shall administer the SSTS ordinance for all areas of Koochiching County except as provided below and except for SSTS systems with capacities of 10,000 or more gallons per day.
1. ESD shall have the following duties and responsibilities:
    - a. Act as the inspecting agency for Koochiching County, except as otherwise provided in this ordinance;
    - b. to review all applications for SSTS within the designated floodplain and shoreland areas of the County;
    - c. to review applications for SSTS in unincorporated areas of Koochiching County outside the designated floodplain and shoreland districts, or to create administrative procedures to track reviews by any subordinate sewer district that may be created in those areas;
    - d. to issue all permits required by this Ordinance;
    - e. to investigate complaints regarding SSTS and septage disposal;
    - f. to issue Certificates of Compliance or Notices of Non-Compliance as applicable;
    - g. to issue Stop Work Orders and Notices of Violation pursuant to this section;
    - h. to maintain proper records for SSTS inspections, construction, reconstruction and repair in all of the county.
    - i. to submit annual reports to the MPCA in accordance with MN Rules 7082.0040, subpart 5.
    - j. Oversee the activities of any subordinate sewer district that may be created to manage wastewater or wastewater systems.
    - k. Authorize variances from MN Rules Chapter 7080 and this ordinance in system design, placement and installation as long as said variances continue to protect ground water, do not create an ITPH and do not interfere with the overall performance of the SSTS. Variance requests will be decided by the ESD. If the person or entity requesting a variance does not agree with the ESD decision the request can be appealed to the to the Koochiching County Board of Adjustments pursuant to Section 4, subpart A.4 of this ordinance.
  2. Neither the issuance of permits nor the review of Certificates of Compliance or Notices of Non-Compliance as requested or issued by Koochiching County shall be construed to represent a guarantee of warranty or the system's operation or effectiveness. Such certificates signify that the system is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.
  3. The Koochiching County Board of Commissioners may:
    - a. Establish fees relating to the administration of this ordinance;
    - b. Delegate the authority to administer this ordinance to appropriate county departments.

4. The Koochiching County Board of Adjustment is vested with authority to act upon variance appeals from the provisions of this ordinance and to act upon an appeal of any order, requirement, decision or determination of any administrative official regarding this ordinance. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394; or successor statutes.

**B. Administration by State Agencies:** Minnesota State agencies have the following responsibilities over administration of SSTS:

1. For an SSTS, or group of SSTS, under single ownership within one-half mile of each other and designed to treat flows of greater than 10,000 gallons per day or with measured daily flows exceeding 10,000 gallons per day for seven consecutive days, the owner or owners shall make application for and obtain a State Disposal System (SDS) Permit from the MPCA.
2. For dwellings including apartments, townhouses, resort units, rental cabins and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a State Disposal System Permit.
3. SSTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota including, but not limited to campgrounds, resorts, mobile home parks and eating and drinking establishments, shall conform to all State and local requirements and require approval by the State of Minnesota.
4. Issuing area-wide permits as provided for in Minnesota Statutes 115.58.
5. Issue NPDES permits for SSTS that are approved for surface discharge. Without the issuance of an NPDES permit surface discharge is prohibited.
6. Any SSTS requiring approval by the State shall also comply with all local codes and this ordinance.
7. Plans and specifications must receive appropriate State and local approval before construction is initiated.

## **SECTION 5.0 PERFORMANCE STANDARDS and ALTERNATIVE LOCAL STANDARDS**

**A. Wastewater Plan.** Koochiching County may create a plan for administering performance standards and alternative local standards for SSTS. If created the plan would identify specific SSTS technologies for which area-wide permits may be sought, and performance, management, and inspection criteria for performance-standard SSTS. Such a plan, if developed would be written in accordance with MN Rules 7082.0050 subpart 5 and 7082.0100 subpart 4.

1. The Plan, if created, shall identify separate management and technology approaches for:
  - a. Floodplain and shoreland areas
  - b. Areas within or adjacent to incorporated municipalities
  - c. Low-population areas, as defined in Minnesota Rules
  - d. Systems discharging less than 2,500 gallons/day
  - e. Systems discharging more than 2,500 gallons/day but less than 10,000 gallons/day
  - f. Improvements or modifications to existing systems
  - g. Construction of new systems
2. The Plan if created shall provide required information to identify areas of sustained and projected low population density.

**B. Subordinate Sewer District.** Koochiching County may establish a subordinate sewer district or an equivalent entity, to implement the wastewater plan. The subordinate sewer district shall manage SSTS as necessary, identify or provide financing for SSTS, create and implement management plans for alternative systems, seek area-wide permits for alternative SSTS as allowed in Minnesota Statutes 115.58 subd. 2, collect permit and management fees, and report permit and management information to the County ESD.

- C. Permit and Reporting Requirements.** Records of all permits and all information necessary for the County to meet its administrative requirements shall be provided by the subordinate sewer district to ESD.

## **SECTION 6.o ADMINISTRATIVE STANDARDS**

- A. Permit Required.** A permit is required from the ESD whenever any Subsurface Sewage Treatment System (SSTS):
1. is installed or replaced,
  2. is extended or modified to affect the system's capacity, or
  3. requires major repairs such as drainfield or tank replacement.
- B. No Permit Required.** A permit or approval from the Environmental Services Department is not required for minor repairs including but not limited to:
1. repairing or replacing pumps,
  2. repairing electrical malfunctions,
  3. repairing or replacing tank covers,
  4. replacing broken pipes or end caps,
  5. adding soil or seed, or
  6. other minor repair work.
- C. Application Requirements.** All applications shall include:
1. Name and address of property owner.
  2. Legal description of the property including the parcel number.
  3. SSTS designer name, address, phone and license number.
  4. Site evaluation report with a dimensional drawing that includes, all water supply wells or pipes, proposed and existing structures, property lines, easements, floodplain designations, distance to ordinary high water level of adjacent public waters, and soil characteristics of the proposed soil treatment and dispersal areas. Soil evaluations to determine loading rates shall be done via on-site soil borings, excavations or previously documented information.
  5. Tank identification information
  6. Management plan as described in Section 12, subpart D of this ordinance.
- D. Permit review.** ESD will review the permit application and exhibits to determine whether the proposed system conforms to applicable requirements. The permit will be granted or denied. If granted, construction may begin and must be completed within two years of granting date. Final approval of the system will be evidenced by issuance of a Certificate of Compliance.
- E. Records.** The ESD will maintain records on the following:
1. Complaints on non-compliance.
  2. Compliance inspections, including notices.
  3. Site evaluations.
  4. Applications and exhibits.
  5. Variance requests and determinations.
  6. Issued permits.
  7. Certificates of Compliance.
  8. Enforcement proceedings.



9. Design records.
10. As-built plans and specifications.

## SECTION 7.0 INSPECTION REQUIREMENTS

- A. General Requirements:** There are certain general requirements that pertain to inspections for both new and existing SSTS systems:
1. **Compliance Inspections:** Compliance inspections for construction, replacement, alteration or repair of an SSTS shall be conducted by a State licensed practitioner or qualified employee of Koochiching County.
  2. **Access to Premises or Records:** Upon request of ESD, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records for the purpose of regulating and enforcing this Ordinance.
  3. **Interference Prohibited:** No person shall hinder or otherwise interfere with the ESD staff in the performance of their duties and responsibilities pursuant to this Ordinance.
- B. Inspection requirements for new and altered systems:** All new systems and all systems found to be non-compliant must be designed, constructed, and managed consistent with the provisions of this ordinance.
1. **Inspections for existing systems in floodplains and shoreland.** All SSTS construction in floodplain and shoreland districts, including any alteration, repair or extension necessary for systems that have been found to be non-compliant, require an inspection by a State licensed inspector.
  2. **Inspection during construction.** If at all possible, inspections shall be conducted at least once during construction of the SSTS at such time as to assure that the system has been constructed according to the system design plan.
  3. **Visual access for inspection required.** If any SSTS component is covered prior to inspection by a State licensed inspector or qualified employee, the component shall be uncovered upon the direction of the inspector or qualified employee, unless acceptable photographic or video documentation is provided.
  4. **Notifications for Inspections.** A Certificate of Compliance or Notice of Noncompliance shall be prepared by the inspector following an actual inspection or review of as-built plans. A Certificate of Compliance or Notice of Noncompliance must include a signed statement by the inspector or qualified employee identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules Chapter 7080 or other standards as provided by this ordinance. A copy of the Inspection Report shall be provided to the owner and ESD within 15 days of the inspection date. It is not the intent of this ordinance to require the ESD to do compliance inspections.
- C. Inspection Requirements for existing systems.** Inspections must be conducted by a State licensed inspector and the results recorded on an approved form. The report must identify the type of SSTS inspected and whether the system is an imminent public health threat, a system failing to protect groundwater or if the system is in compliance with these provisions. A copy of the Inspection Report shall be provided to the owner and to ESD within 15 days of the inspection date. An existing SSTS shall require a compliance inspection when any of the following conditions occur:
1. **Just cause.** At any time ESD determines that just cause, such as upon receiving a complaint or any other information that reasonably indicates a system may be discharging to the surface or failing to protect groundwater.
  2. **Addition of bedroom in floodplain, shoreland.** When a permit is issued for the addition of a bedroom in a dwelling located within floodplain or shoreland areas.
    - a. If an application to construct an additional bedroom is received between November 1 and April 30, ESD may issue a permit immediately with the requirement that a Compliance Inspection be

conducted by the following June 1 and that the applicant will submit an inspection report within 15 days of the inspection date. Inspections will be followed up in accordance with section 3 of this ordinance.

#### **SECTION 8.0 SETBACKS AND SEPARATIONS**

- A. Separation Distances.** The separation distance from a well to an SSTS shall be a minimum of 50 feet or as specified in M.S. 3011, Minnesota Rules Chapter 4725 as amended.
- B. Setbacks.** Minimum setbacks for SSTS are specified in the Koochiching County Zoning, Shoreland and river Ordinances.

#### **SECTION 9.0 LICENSING REQUIREMENTS**

- A. Inspectors, Designers, Installers, Service Providers and Maintainers.** No business shall engage in the inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of SSTS within Koochiching County without first obtaining a license from the State to perform such tasks.
- B. License Exemptions.** A license is not required for:
  - 1. An individual who is constructing a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual based upon a design approved by the ESD . However, if an unlicensed individual installs an SSTS it must be inspected at least one time during installation by a state licensed inspector or local government qualified employee and step by step photographs must be provided to ESD before a Certificate of Compliance will be issued.
  - 2. An individual who performs labor or services under a State license;
  - 3. A farmer who pumps sewage waste from an SSTS owned or leased by the farmer and who disposed of those wastes on land that is owned or leased by the farmer in accordance with land application standards of this ordinance;

#### **SECTION 10.0 REQUIREMENT FOR NEW LOTS**

- A. Two Sewage Sites Required.** All lots created after January 23, 1996 shall have a minimum of two sewage treatment areas which can support a Type I soil treatment system. The two identified sewage treatment areas shall be located on the lots they are intended to serve, unless the sewage treatment areas are approved by the County as part of a community sewage treatment system.
  - 1. Plats submitted for approval after January 1, 2005 must contain two standard sewage treatment system sites per lot.
- B. Community systems must include entire plat.** If a community sewage treatment system is utilized, then all the lots within the plat shall be part of the community sewage treatment system, unless otherwise approved.

#### **SECTION 11.0 SEPTAGE REQUIREMENTS**

- A. Septage Management.** Septage, as defined in Minnesota Rules, Chapter 7080, or successor rules, shall be pumped, managed, land applied or disposed of at an MPCA permitted wastewater treatment facility in accordance with applicable state and federal laws, including Environmental Protection Agency rules as found in 40 CFR Part 503 entitled "Standards for the Use of Sewage Sludge", and Minnesota Rules Chapter 7080.
- B. Land application of septage.** Separation requirements for the land application of septage are as follows:
  - 1. The land spreading site shall be located such that the following minimum separation distances are maintained:

- a. 200 feet for private water wells
  - b. 1000 feet for municipal water wells
  - c. 200 feet for occupied dwellings
  - d. 300 feet for commercial developments
  - e. 600 feet for recreational areas
  - f. 50 feet for property lines
  - g. 50 feet for public road right-of-ways
  - h. 25 feet for public and private ditches
2. The land spreading site shall not be located in floodplain or shoreland districts.

## **SECTION 12.0 ADDITIONAL REQUIREMENTS**

- A. System Abandonment.** All systems with no future intent for use must be abandoned according to the following guidelines.
1. All solids and liquids in sewage tanks, cesspools, leaching pits, drywells, seepage pits, vault privies and pit privies shall be removed and disposed of by a licensed maintainer pursuant to MN Rules 7080.2450.
  2. All electrical components containing mercury must be removed and disposed of in accordance with Federal, State and Local hazardous waste regulations.
  3. Abandoned tanks must be removed, collapsed or punctured for drainage and the cavity must be filled with rock or soil.
  4. Soil treatment and dispersal systems can be abandoned in place or removed. Removal of these systems shall be in accordance with MN Rules 7080.2500 subpart. 3.
- B. Holding Tanks.** Holding tanks with an operating permit (part D below) are allowed as an alternative to an SSTS where a proper soil treatment area is not available or where water use is low such as seasonal properties. Holding tanks are also allowed as a temporary disposal method to alleviate an ITPH or during construction, repair, or replacement of new and existing systems. The owner of a holding tank installed after the adoption of this ordinance must have a signed contract with a licensed maintainer for removal and proper disposal of solids and liquids. Holding tanks must follow construction, size and installation requirements depicted in MN Rules 7080.2290
- C. Management Plan.** Before a permit is issued for an SSTS a management plan must be approved by the ESD. The management plan must describe how the system will be maintained, including requirements to evaluate the system no less than every three years and remove the sewage tank residuals whenever necessary in accordance with MN Rules 7080.2450.
- D. Operating Permit.** Operating permits are required for all newly installed;
1. holding tanks
  2. systems that use registered treatment products (Type IV)
  3. systems based on performance (Type V)
  4. systems with flows of 5,000 to 10,000 gallons per day (midsized systems, MN Rules 7081)
- E. System Maintenance.** Systems without a management plan must be evaluated no less than every three years to determine if the accumulated solids in the septic tank need to be removed in accordance with MN Rules 7080.2450.
- F. Class V Injection Wells.** Owners of Class V injection wells, as defined in Code of Federal regulations, title 40, part 144, must submit inventory information to the EPA and MPCA, and must also disclose this information during property transfers.

- G. Dispute Resolution.** If a dispute arises between two or more SSTS licensed businesses regarding the depth to periodic saturation or other technical situation, and the businesses cannot resolve the dispute among themselves, the local unit of government will take into consideration all information and opinions rendered and make a final judgment.
- H. Vertical Separation.** Systems built after March 31, 1996 or in an SWF area shall be allowed a 15% reduction in the required vertical separation as designated in MN Rules 7080.1500 subpart 4, item D.
- I. Privies.** Privies that meet all of the following criteria are not required to follow vertical separation and vault guidelines depicted in MN State Rules 7080.2150 and 7080.2280;
  - 1. The privy is in a remote area with limited access.
  - 2. The privy is used on a limited seasonal basis.
  - 3. The privy is more than 1,000 feet from the nearest well.
  - 4. The privy is not in a floodplain.
  - 5. The privy meets or exceeds local setback requirements from the OHWL of public waters.
- J. Contaminant levels.** Systems following the technical requirements of MN Rules 7081 with daily flows between 5,000 and 10,000 GPD and performance based systems with flows greater than 2,500 GPD may require an operating permit providing for periodic monitoring of nitrogen, phosphorous and other contaminants.

### **SECTION 13.0 ENFORCEMENT**

- A. Enforcement Provisions.** The following enforcement provisions are made:
  - 1. Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance, or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor punishable by imprisonment, a fine or both as defined by law.
  - 2. In the event of a violation of this Ordinance, in addition to other possible remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.
- B. Stop work orders.** Whenever any work is conducted contrary to the provisions of this Ordinance, ESD may order the work stopped by verbal or written notice personally served upon the installer or owner. The Stop Work Order shall remain in effect until authorization to proceed is given by ESD.
- C. Notice of violation.** A Notice of Violation may be issued by ESD for violations of this Ordinance and shall be done as follows:
  - 1. **Cause to Issue a Notice of Violation.** Unresolved and separate, recurring or continuing violations of this Ordinance by an applicant, permittee or other persons, as determined by inspections or investigations shall constitute nonconformance or noncompliance with this Ordinance.
  - 2. **Serving Notice of Violation.** A Notice of Violation shall be served by Certified Mail upon the applicant, permittee or other persons found to be in violation of this Ordinance.
  - 3. **Contents of a Notice of Violation.** A Notice of Violation shall contain the following:
    - a. statement documenting the findings of fact through inspections or other investigations;
    - b. list of the specific violations of this Ordinance;
    - c. list of the specific requirements and mandatory time schedule for the correction or removal of said violations;
    - d. specific enforcement actions that will be taken if corrective action is not satisfactorily completed.
- D. State Notification of Violations.** Any inspection, installation, design, construction, alteration or repair of an SSTS or any pumping and disposal of septage conducted in violation of the provisions in this Ordinance shall be cause for notification to the MPCA.

## **SECTION 14.0 DEFINITIONS:**

**Advanced Designer** – An individual licensed and authorized to conduct site and soil evaluation, design systems and write management plans for all sizes and types of SSTS.

**As-Builts** - Drawings and other documentation specifying the final in-place location, size and type of all system components. These records identify the results of materials testing and describe the conditions during construction. As-builts may contain a certified statement.

**Basic Designer** – An individual or business licensed and authorized to conduct site and soil evaluations, design systems, and write management plans for Type I, II or III SSTS as described in MN Rules Chapter 7080.2200 to 7080.2300 serving dwelling or other establishments with a design flow of 2,500 gallons per day or less.

**Bedroom** – A room designed or used for sleeping; or a room area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

**Certificate of Compliance** - A document written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

**Compliance Inspection** - An evaluation, investigation, or inspection or other such process for the purpose of issuing a certificate of compliance or a notice of non-compliance.

**Conveyance** – The sale and every other method, direct or indirect, of disposing or parting with real property, or with an interest therein which requires the filing of a Certificate of Real Estate Value, or involves the establishment of a trust.

**Dispersal Field** - Also called a drainfield. An area where sewage effluent is dispersed into the soil for treatment by absorption and filtration and includes, but is not limited to , trenches, seepage beds, at-grade systems, mound systems and drip systems.

**Distribution Medium** – the material used to provide void space in a dispersal field, through which effluent flows and is stored prior to infiltration. Distribution medium includes, but is not limited to, drainfield rock, polystyrene beads, chambers and gravelless pipe.

**Dwelling** – Any building, recreational vehicle, travel trailer, or place used or intended to be used by human occupants as a residence and which is connected to pressurized water.

**EPA** – United States Environmental Protection Agency.

**ESD** - Koochiching County Environmental Services Department.

**Existing Systems** – Sewage treatment systems that were installed before the adoption of this ordinance.

**Failing System** - Any SSTS that discharges sewage into a seepage pit, cesspool, drywell, or leaching pit; or was installed after April 1, 1996 and has a vertical separation distance of less than 31 inches; or is determined to be an imminent threat to public health and safety (ITPH) is considered failing. System installed prior to April 1, 1996 that are not within SWF areas, do not present an ITPH and have two feet or more of vertical separation are considered to be working systems and not failing systems.

**Floodplain** - The area covered by a 100-year flood event along lakes, rivers and streams as published in technical studies by local, state, and federal agencies, or in the absence of these studies, estimates of the 100-year flood boundaries and elevations as developed according to a local unit of government's floodplain or related regulations.

**Greywater** - Also spelled graywater. Sewage or wastewater that does not contain toilet wastes.

**Holding Tank** – A tank for storage of sewage until it can be transported to a point of approved treatment and disposal.

**Imminent Threat to Public Health** - A situation with the potential to immediately and adversely affect or threaten public health or safety. At a minimum, this includes ground surface or surface water discharges and sewage backup into a dwelling or other establishment.

**Installer** – An individual qualified to install SSTS and who meets the licensure and registration requirements of the MPCA.

**Inspector** - An individual qualified to review proposed plans and inspect SSTS who meets the licensure and registration requirements of the MPCA.

**ITPH** - Imminent Threat to Public Health.

**Land Spreading** – The placement of septage or human waste from septic or holding tanks on or into the soil surface.

**Loading Rate** – The rate at which soil can absorb wastewater, measured in gallons per day per square foot.

**Lot** – a parcel of land in a plat recorded in the office of the county recorder or register of titles or a parcel of land created and conveyed, using a specific legal description, for a building to be served by and SSTS.

**Maintainer** - An individual or business licensed by the MPCA to measure scum and sludge depths in sewage tanks; remove and transport septage; land apply or dispose of septage at MPCA permitted wastewater treatment facilities; identify problems related to sewage tanks and other duties as described in MN Rules Chapter 7083.0770.

**Management Plan** - a plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations, including a planned course of action in the event a system does not meet performance expectations.

**Mottling/Residual Mottling** - Mottling means a zone of chemical and reduction activity appearing as splotchy patches of red, brown or gray in the soil (reference “Keys to Soil Taxonomy” 5<sup>th</sup> Edition, 1992 Soil Management Support Services, technical monograph No. 19). Mottling shall be considered as a criterion for determining the vertical depth to periodic groundwater saturation during compliance inspections and system design

**MPCA** – Minnesota Pollution Control Agency.

**Notice of Non-Compliance** – A document written and signed by a qualified employee or an MPCA certified inspector which gives notice that an SSTS is not in compliance as specified in this ordinance.

**OHWL or Ordinary High water Level** - an elevation delineating the highest water level that has been maintained for a sufficient period time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to terrestrial.

**Original Soil** – Naturally occurring soil that has not been cut, filled, moved, smeared, compacted, altered or manipulated to the degree that the loading rate must be reduced from that associated with natural soil conditions.

**Privy** – An aboveground structure with an underground cavity which is used for the storage, treatment or disposal of toilet wastes, specifically excluding water for flushing or greywater.

**Public waters**- Rivers, lakes, streams and wetlands that have been assigned a shoreland management classification by the State of Minnesota.

**Qualified Employee** – A state or local government employee who conducts site evaluations, designs, installs, maintains, pumps, or inspects SSTS as part of that person’s employment duties.

**Septage** - Solids and liquids removed during periodic maintenance of an SSTS, or solids and liquids which are removed from toilet waste treatment devices or holding tanks.

**Septic Tank** – a watertight covered receptacle that is designed and constructed to receive the discharge of sewage from a building sewer or preceding tank, stores liquids for a detention period that provides separation of solids from liquids and digestion of organic matter, and allows the effluent to discharge to a succeeding tank, treatment device or dispersal field.

**Service Provider** - An individual or business qualified and licensed by the MPCA to service SSTS as described in MN Rules Chapter 7083.0780.

**Sewage** – Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes.

**Shoreland** – An area adjacent to a stream, river or lake and extending a specified distance back from the ordinary high water level. In Koochiching County the distance ranges from 300 feet to 1,000 feet depending upon the water body.

**(SSTS) Subsurface Sewage Treatment System** - A sewage treatment system, or part thereof, serving a dwelling or other establishment or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. SSTS includes holding tanks and privies.

**SWF** – Areas that include shoreland, wellhead Protection areas and food, beverage and lodging facilities.

**Toilet Waste Treatment Devices** - Privies and other devices including incinerating, composting, biological, chemical, recirculating or holding tanks.

**Vertical Separation** – The vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level or bedrock.

**Wellhead Protection Area** – The surface or subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move.

REGULAR MEETING OF THE KOOCHICHING COUNTY BOARD OF  
COMMISSIONERS

Held on Tuesday, August 26, 2008; 9:05 a.m.

MEMBERS PRESENT: Commissioners Pavleck, Hanson, Adee, Lepper, Briggs

MEMBERS ABSENT: None

2008/08-41 Motion by Lepper, seconded by Hanson that upon the review and public hearings conducted by both the County Planning Commission and County Board and upon approval of the MPCA, to adopt the Koochiching County Subsurface Sewage Treatment System Ordinance as recommended by the Environmental Service Director which is a state requirement for complying with State Rules - Chapter 7080, 7081 and 7082 providing minimum standards for and regulations of subsurface sewage treatment systems and sewage disposal, including their property location, design, construction, operation, maintenance and repair with the intent to protect surface water and ground water from contamination by human sewage, protect public health and safety and eliminate or prevent the development of public nuisances and with said Ordinance filed for use and examination by the public in the Office of the County Auditor/Treasurer. Voting yes: Pavleck, Hanson, Adee, Lepper, Briggs. Motion carried.

CERTIFICATION

STATE OF MINNESOTA  
COUNTY OF KOOCHICHING

I, Jenny Herman, Clerk to the Koochiching County Board of Commissioners, in and for the County of Koochiching, State of Minnesota, do hereby certify that the records of my office show that the above is a true and correct copy of a board motion approved by the County Board at their meeting August 26, 2008.

Date: 3/26/19

  
\_\_\_\_\_  
Jenny Herman, Board Clerk  
Koochiching County Board





# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us) | Equal Opportunity Employer

May 28, 2014

Koochiching County  
Environmental Services  
Dale Olson  
715 4th Street  
Int'l Falls, MN 56649

RE: Confirmation of Ordinance Amendment Completion

Dear Mr. Olson:

This letter acknowledges the completion of the Subsurface Sewage Treatment System (SSTS) ordinance amendment requirement by Koochiching County. The Minnesota Pollution Control Agency (MPCA) appreciates the work that Koochiching County put into meeting this requirement, and your county's continued administration of an effective SSTS program. A copy of this signed letter will be loaded into BWSR's eLINK system as a record of this work having been completed.

In the future, MPCA staff will continue be on hand if you have questions or concerns and to provide assistance when needed in administration of your SSTS program. Please do not hesitate to contact any MPCA staff in this regard.

Sincerely,

*thanks!*

A handwritten signature in blue ink, appearing to read "Gretchen Sabel".

Gretchen Sabel  
SSTS Coordinator  
SSTS Section  
Municipal Division

GS:wgp