Swift County Scanning Label Doc #7371 Swift County Scanning Label Doc #239188

SUBSURFACE SEWAGE TREATMENT SYSTEMS

MANAGEMENT ORDINANCE, 2014

Repealing the Swift County Sewage Treatment Ordinance, 1997.

1. GENERAL PROVISION

1.1 PURPOSE AND AUTHORITY

The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Land Use Ordinance.

1.2 INTENT

It is intended by the County that this Ordinance will promote the following:

A. The protection of lakes, rivers and streams, wetlands, and groundwater in Swift 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 the degradation of surface water and groundwater quality.

C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination 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.

1.3 JURISDICTION

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas or townships that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their jurisdiction, which is at least as strict as this Ordinance.

1.4 EFFECTIVE DATE

The provisions set forth in this Ordinance shall become effective after its passage, approval, publication and recording in the office of the County Recorder.

1.5 SCOPE

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

2. ADMINISTRATION

2.1 COUNTY ADMINISTRATION

A. The Swift County Environmental Services Office shall administer the SSTS program and all provisions of this ordinance.

B. The County's duties and responsibilities include, but are not be limited to, the following;

1. Review all applications for SSTS
2. Issue all permits required in this Ordinance
3. Inspect all work regulated in this Ordinance
4. Investigate all written complaints regarding SSTS
5. Issue certificates of compliance or notices of noncompliance where applicable
6. Enact enforcement provisions of this Ordinance as necessary
7. Refer unresolved violations of this Ordinance to the County Attorney
8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
9. The County shall employ or retain qualified and appropriately licensed professionals to administer and operate the SSTS program.
10. Submit annual reports to MPCA as required.

2.2 STATE ADMINISTRATION

When a single SSTS or group of SSTS under single ownership within one-half mile of each other, have a design flow greater than 10,000 gallons per day or has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, the owner shall make application for and obtain a State Disposal System permit from the MPCA.

2.3 CITIES AND TOWNSHIPS ADMINISTRATION

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

2.4 LIABILITY

The County's involvement in administration of this Ordinance does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the County or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Ordinance or by reason of any standards, requirements, or inspections authorized by this Ordinance hereunder.

3. DEFINITIONS

Terms used in this Section shall have the same meaning as provided in the standards adopted by reference. For purposes of this Section, the words "must" and "shall" are mandatory and the words "may" and "should" are permissive.

As-built. Drawings and documentation specifying the final in-place location, elevation, size and type of all system components.

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.

Certified Statement. A statement signed by a certified individual, apprentice, or qualified employee under Minnesota Rules Chapter 7083 certifying that the licensed business or qualified employee completed work in accordance with applicable requirements.

Class V Injection Well. A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or non-sewage from a two-family dwelling or greater or receive sewage or non-sewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency (EPA) and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

Cluster SSTS. A Subsurface sewage treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

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

Department. The Swift County Environmental Services Office.

Design Flow. The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Dwelling. Any building or place used or intended to be used by human occupants as a single-family or multi-family residence with no more than nine bedrooms and producing sewage. Dwelling does not include a single-family or multifamily residence that serves as both a domicile and a place of business if the business increases the volume of sewage above what is normal for a dwelling or if liquid waste generated no longer qualifies as sewage.

Existing Systems. Systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

Failure to Protect Groundwater. At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subpart 4 D and E; and a system not abandoned in accordance with part 7080.2500.

Groundwater. Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface unconsolidated sediment or regolith, or in rock formations deeper underground.

Holding Tank. A tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding tanks are considered a septic system tank under Minnesota Statutes, Section 115.55.

Imminent Threat to Public Health and Safety (ITPH). At a minimum, a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers.

ISTS. Individual subsurface sewage treatment system that receives a sewage design flow of 5,000 gallons per day or less. ISTS also include holding tanks with a design flow of 10,000 gallons per day or less as well as privies.

Malfunction. The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Management Plan. A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Minor Repair. The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

MPCA. The Minnesota Pollution Control Agency.

MSTS. A midsized subsurface sewage treatment system under single ownership that receives sewage from dwellings or other establishments having a design flow of greater than 5,000 gallons per day to 10,000 gallons per day.

New Construction. Placement of a new structure or replacement structure that is served by pressurized water.

Non-pressurized SSTS. An SSTS that distributes sewage by gravity flow and does not utilize pumps for gravity distribution or pressure distribution.

Notice of Noncompliance. A written document issued by the Department notifying a system owner that the owner's onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Section.

Privy Vault. 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 greywater. A privy also means a non-dwelling structure containing a toilet waste treatment device.

Pump Tank. A tank or separate compartment following the sewage tank that serves as a reservoir for a pump. A separate tank used as a pump tank is considered a septic system tank under Minnesota Statutes, Section 115.55, Subdivision 1, Paragraph (o).

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 certified and listed on the MPCA SSTS database verifying specialty area endorsements applicable to the work being conducted.

Seasonal Saturation. The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.

Septage. Solids and liquids removed from an SSTS, and include solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets.

Septic/Sewage Tank. Any 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 liquid and digestion of organic matter, and allows the effluent to discharge to a succeeding tank, treatment device, or soil dispersal system.

Sewage/Wastewater. Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS. Subsurface sewage treatment system including an ISTS, MSTS.

Structure. Anything constructed or erected, the use of which requires location on the ground.

SWF. Shoreland areas,wellhead protection areas or systems serving food, beverage or lodging establishments.

Type I System. An ISTS that follows a standard trench, bed, at-grade, mound, or greywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

Type II System. An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots in floodplains and privies or holding tanks.

Type III System. A subsurface sewage treatment system designed according to Minnesota Rules Chapter 7080.2300.

Type IV System. A subsurface sewage treatment system designed according to Minnesota Rules Chapter 7080.2350.

Type V System. An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coli-form is prevented.

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.

Winter Agreement. A binding agreement between a grantor and grantee when property is transferred between the months of November and April when frozen conditions prevent a field evaluation, compliance inspection or installation to the SSTS

4. SSTS REQUIREMENTS

4.1 ALL SSTS

Except as explicitly set forth in Section 4.3, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

4.2 EXISTING PERMITS

Unexpired permits which 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 or until a change in system design, whichever is earlier.

4.3 SSTS ON LOTS CREATED BEFORE JANUARY 23, 1996

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by Minnesota Rule 7080.2200.

4.4 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT

A. SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

B. Bedroom Addition

Any addition to a structure that includes bedroom(s) that require a land use permit from the County shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860. Any required upgrades shall be completed within five years.

C. Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp.4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 12 months upon receipt of a Notice of Noncompliance and must meet sizing requirements according to Minnesota Rule 7080.1860.

D. Imminent Threat to Public Health or Safety

An SSTS posing an imminent threat to public health or safety shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months upon receipt of a Notice of Noncompliance and must meet sizing requirements according to Minnesota Rule 7080.1860

E. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

4.5 SSTS IN FLOODPLAINS

SSTS shall 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 a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rule 7080.2270 and all relevant local requirements are met.

4.6 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, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

4.7 SSTS PRACTITIONER LICENSING

A. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.

B. An MPCA license is not required of an individual who is constructing a non-pressurized SSTS on land that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the Department for inspection is required.

4.8 PROHIBITIONS

A. Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.

B. Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance 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.

4.9 ALTERNATIVE LOCAL STANDARDS ADOPTED BY REFERENCE

A. Adoption of Rule by Reference

1. The County hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7081 in their entirety except as referenced under Section 4.9(B), except as otherwise expressly modified by this Ordinance.
2. When "2006 version of Minnesota Rules Chapter 7080" is utilized, the reference is to the rules effective April 3, 2006, otherwise the County is referencing the current rules in effect.

B. Alternative Local Standards for New and Existing SSTS

1. The County hereby adopts the 2006 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K).

4.10 DIFFERENCES IN STANDARDS

A. List of Different Adopted Standards

1. In the shoreland district, obtaining a permit of any kind shall trigger septic compliance within 10 months of permit approval unless there is a current Certificate of Compliance on file that has not expired according to Section 6.2 (F) and 6.3 (D) of this ordinance.
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Class I sizing is required on all new construction.
4. The system's absorption area and mound absorption ratio must be sized according to either Table IX or IXa in the 2011 version of MN Rules, Chapter 7080.2150.
5. Minimum septic tank sizing shall be a 1,500 gallon compartmentalized tank, multiple tanks in series or the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTS. All other tank sizing shall follow Minnesota Rule 7080.1930.
6. Pump tank sizing shall follow Minnesota Rule 7080.2100.

7. A Certificate of Compliance will not be issued until the soils are verified by a licensed inspection business or qualified employee certified as an inspector.
8. All dwellings shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.
9. Septic tanks for new and existing dwellings can be buried as deep as the tank manufacturer's maximum designed depth for the tank.

4.11 COMPLIANCE CRITERIA FOR EXISTING SSTS

For an SSTS built before April 1, 1996, and outside of areas designated as "SWF" – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments – there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

4.12 HOLDING TANKS

Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

4.13 VARIANCE REQUESTS

A property owner may request a variance from the standards as specified in this ordinance pursuant to Section 2, Subsection 2.8 of the Swift County Zoning & Land Regulation Ordinance.

A. State Agency Variance Requests

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the County until all required State Agency variances have been approved.

5. PERMIT REQUIREMENTS

5.1 SSTS PERMITS

A. Activities Not Requiring a SSTS Permit

A SSTS permit is not required for minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent screens or filters.

B. Activities Requiring a SSTS Permit

A SSTS permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, or capacity expansion of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Department including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

C. SSTS Permit Requirements

SSTS Permit applications shall be made on forms provided by the Department and signed by the applicant or applicant's agent, and must include the following information and documentation:

1. Applicant name, mailing address, telephone number, and email address.
2. Property Identification Number, property address and legal description of property location.
3. Site Evaluation and Design Report shall be made on University of MN forms accepted by the Department.
4. Design Report, as defined by 37.18, and shall be made on form provided by Department.
5. A management plan, as defined by Minnesota Rule 7082.0600, Subp. 1B.

D. Application Review and Response

The Department shall review a permit application and supporting documents according to Section 5.1.B of this Ordinance.

E. Appeal

Appeals of decisions of the Environmental Services Director shall be heard by the Swift County Board of Commissioners provided that the person making the appeal files an application for a hearing within forty-five (45) days after the decision to be appealed was delivered to the applicant by the Environmental Services Director. The following procedure shall be followed:

1. Application. The person making the appeal shall apply for a hearing before the Board of Commissioners on forms provided by the Environmental Services Director.

2. Notice of Hearing. The Board of Commissioners shall, with thirty (30) days after receipt of the completed application, schedule a hearing on the appeal.

a. At least ten (10) days prior to the hearing a notice shall be published in the official county newspaper;

b. The Board of Commissioners shall make their decision within fourteen (14) days of the public hearing, and shall base their decision on the provisions of this ordinance section.

F. Permit Expiration

A Permit for a new SSTS is valid for a period of one year and may be extended for an additional year with Department approval

G. Transferability

A SSTS Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

5.2 SSTS ASSESSMENT REQUIREMENTS

For those SSTS without a management plan or operating permit according to the provisions of this Ordinance, the following provisions apply:

A. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.

B. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole, if one exists. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids

removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

5.3 OPERATING PERMIT

A. An Operating Permit shall be required for the following SSTS:

1. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
2. SSTS serving three or more connections;
3. Type 4 and Type 5 SSTS;
4. SSTS that exceed a daily flow of 2,500 gallons per day; or,
5. MSTS designed under Minnesota Rules Chapter 7081.

B. Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.

C. A valid Operating Permit shall be considered a Certificate of Compliance if that system is in compliance with the requirements of the Operating Permit.

D. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.

E. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Section 4.4(E).

F. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Section 5.3. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

G. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form accepted by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.

H. The Department may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.

I. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.

J. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

6. <u>COMPLIANCE INSPECTION PROGRAM</u>

6.1 DEPARTMENT RESPONSIBILITY

It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.

A. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.

B. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.

C. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

D. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the Department between November 1 and April 30, at the Department's sole discretion, provided the required information is submitted to the Department by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.

6.2 NEW CONSTRUCTION OR REPLACEMENT

A. New installation inspections must be performed on new construction or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to Section 6.1. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.

B. It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.

C. If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing within ten working days of the installation.

D. A Certificate of Compliance for new SSTS construction or replacement shall be issued by the Department within 15 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.

E. The Certificate of Compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.

F. Certificates of Compliance for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

6.3 EXISTING SYSTEMS

A. Compliance inspections shall be required when any of the following conditions occur if there is not a current Certificate of Compliance on file:

1. When applying for a permit of any other kind in the shoreland district.
2. Within 10 months of conveyance of any real property within the county.
3. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
4. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a written complaint or other notice of a system malfunction.

B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA.

C. The Certificate of Compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.

D. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

6.4 TRANSFER OF PROPERTY

A. Property on which a dwelling is located, or a tract of land on which a structure is required to have an SSTS shall not be transferred or sold unless the parties to the transaction have complied with one of the following:

1. A current Certificate of Compliance, as provided by Section 6.2 (F) or 6.3(D)
2. A winter agreement, as provided by Section 6.1 (D).
3. An inspection provided by the seller to the buyer at or before the closing.
4. The parties to the transaction shall specify in the purchase agreement whom shall be responsible for septic compliance and provide a copy of the agreement to the Department.

B. Exempt Transactions-The inspection need not be completed if the sale or transfer involves the following circumstances:

1. The tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
2. No Certificate of Real Estate Value need be filed with the County Auditor, as per Minnesota Statutes, Chapter 272.115.
3. The sale or transfer completes a contract for deed entered into prior to September 16, 1997. This subsection applies only to the original vendor and vendee on such a contract.
4. The property has dwellings or other buildings with running water that are connected to a municipal wastewater treatment system.

6.5 VERTICAL SEPARATION REDUCTION

Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS.

7. <u>ENFORCEMENT</u>

Enforcement of this Ordinance shall follow the standards Section 2, Subsection 2.14 of the Swift County Code of Ordinances, 2011.

8. <u>STATE NOTIFICATION OF VIOLATION</u>

The Department may notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

9. <u>FEES</u>

From time to time, the County Board shall establish fees 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.

10. <u>DISPUTE RESOLUTION</u>

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

11. **REPEAL & EFFECTIVE DATE**

This Ordinance repeals and replaced in its entirety the Swift County Sewage and Wastewater Treatment Ordinance passed on November 4, 2004. This Ordinance shall be in full force and effect upon publication and passage as provided by law.

Passed by the Swift County Board of Commissioners on May 20, 2014.

Joe Fox, Chairperson

Attest:

Michel J. Pogge-Weaver, Swift County Clerk of the Board

Approved as to form and execution:

Robin Finke, County Attorney

This instrument was drafted by:
Swift County Environmental Director
PO Box 288
Benson, MN 56215

Office of Land Records in Swift County, MN
I hereby certify that the within instrument was filed in this office on May 29, 2014 at 11:30 AM Doc# 239188
Pages: 13 Rec Fee $46.00
Mary Amundson, Department Head
By _____ Deputy

Office of Registrar of Titles in Swift County, MN
I hereby certify that the within instrument was filed in this office on May 29, 2014 at 11:30 AM Rec Fee $46.00
Pages: 13 Doc #7371 Bk of Titles Pg
Mary Amundson, Registrar of Titles
By _____ Deputy