

# CHISAGO COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE

Replaces Chisago County Sewage and Wastewater Treatment Ordinance 98-1  
adopted February 25, 1998

COUNTY ORDINANCE NUMBER 10-1

CHISAGO COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE

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Effective Date:  
June 10, 2010

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**CHISAGO COUNTY**  
**ORDINANCE NO. 10-1**  
**SUBSURFACE SEWAGE TREATMENT SYSTEMS**

The COUNTY of CHISAGO does ordain:

**SECTION 1. 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.”

**SECTION 2. 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 applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County’s citizens by protecting its health, safety, general welfare, and natural resources through promotion of the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Chisago County essential to the promotion of public health, safety, and welfare of the County.
- B. The regulation of SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants into surface waters and groundwater.
- C. The identification of contamination, the control of its consequences and the abatement of its source and migration.
- D. 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.

**SECTION 3. AUTHORITY**

This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51 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 Chisago County Board designates the Chisago County Director of Environmental Services/Zoning and/or his agents as the enforcement authority.

#### **SECTION 4. DEFINITIONS AND ACRONYMS**

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

##### As-Built Drawing

A set of drawings, completed on a form provided by the County, 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.

##### 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 and 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.

##### CFR

Code of Federal Regulations

##### 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 nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

##### Community System

A SSTS 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.

##### County

Chisago County, Minnesota.

##### County Board

The Chisago County Board of Commissioners.

##### Department

The Chisago County Environmental Services/Zoning Department.

##### Design Flow

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

##### (DCI) Designated Certified Individual

A person certified with the MPCA SSTS program who has attended training, passed exams, and

gained experience in the specialty area for which he is seeking licensure.

#### Dwelling

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

#### Failure to Protect Groundwater

Any sewage treatment system that poses a threat of contamination to ground water because of failure, improper or non-compliant design or construction. At a minimum this definition shall include: any cesspool, drywell, seepage pit, or leaching pit; any SSTS with less than the required vertical separation distance required by MR Chapter 7080.1500 Subp. 4 D and E; any SSTS not abandoned in accordance with part 7080.2500; or any other condition posing an imminent threat to ground water, as determined by a Qualified Employee.

#### Imminent Threat to Public Health and Safety

Any sewage system that discharges sewage or sewage effluent to the ground surface, surface water, or any water drainage system; causes a sewage backup into a building or structure; or causes any other situation with the potential to immediately and adversely affect or threaten public health or safety.

#### (ISTS) Individual Subsurface Sewage Treatment System

A subsurface sewage treatment system or part thereof, as set forth in Minnesota Statutes, sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less.

#### Management Plan

A plan that describes the necessary and routine operational and maintenance requirements of an SSTS and MSTs.

#### Minor Repair

Minor repairs may include but are not limited to: the installation of a riser; the repair or replacement of an existing damaged or faulty riser, baffle, or pump of the same size; and maintenance of inspection caps. Any such repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

#### (MSTS) Midsized 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.

#### Notice of Noncompliance

A document issued by Chisago County, or the local unit of government having jurisdiction, notifying the responsible party that the sewage treatment system has been determined to be noncompliant with this Ordinance.

#### MPCA

Minnesota Pollution Control Agency.



Other Establishment

Any public or private structure other than a dwelling that generates sewage and discharges to a MSTS.

Owner

Owner means any person having possession of, control over, or title to property.

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.

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.

Qualified Employee

A state or local government employee, who designs, installs, maintains, pumps, or inspects SSTS as part of the person's employment duties.

Separation

The vertical distance between the bottom of a system (rock or media bed) and saturated soil and bedrock.

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.

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.

(SSTS) Subsurface Sewage Treatment System

Either an individual subsurface sewage treatment system or a mid-sized subsurface sewage treatment system as defined in 7081.0020, subpart 4, as applicable.

State

The State of Minnesota.

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, subdivision 1, including manufactured home parks and recreational camping areas licensed according to Minnesota Statutes, chapter 327.

#### Type I System

Any SSTS that is constructed in accordance with a standard trench, bed, at-grade, or mound system design, in accordance with Minnesota Rules, Chapter 7080.2200 through 7080.2240.

#### Type II System

Any SSTS or sewage containment system having approved modifications that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on in floodplains and privies or holding tanks as defined in Chapter 7080. Any SSTS designed in accordance with Minnesota Rules Chapter 7080.2260 to 7080.2290.

#### Type III System

Any custom-designed SSTS having approved flow restriction devices, in order to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

#### Type IV System

Any SSTS, having an approved pretreatment device, and which incorporates pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

#### Type V System

Any SSTS, which has a custom-engineered design to accommodate a specific site, taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics, in such a way that groundwater contamination by viable fecal coliform is prevented.

## **SECTION 5. GENERAL PROVISIONS**

### **5.01 Scope**

This Ordinance regulates the siting, design, inspection, installation, alteration, operation, maintenance, monitoring, and management of all SSTS and sewage within the County's jurisdiction; or imported for land application purposes from outside the County's boundaries. All sewage generated within the County's jurisdiction shall be treated and dispersed by a compliant SSTS or a municipal sewage treatment facility.

The provisions of this Ordinance shall apply to all lands, properties, buildings and other structures or use of land within Chisago County, Minnesota that do not lie within any incorporated municipality. Within those townships wherein a permanent code is in effect, any control, regulation or prohibition in the Ordinance, which is more restrictive, shall apply.

## **5.02 Jurisdiction**

The jurisdiction of this Ordinance shall include all lands of Chisago County, Minnesota. The Department shall permit and inspect SSTS within cities and townships that do not administer an approved SSTS ordinance.

## **5.03 Management**

### **A. County 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.

### **B. Cities and Townships**

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.

## **5.04 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 County by Statute and Ordinance.

## **SECTION 6. GENERAL REQUIREMENTS**

### **6.01 Effective Date**

#### **A. 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 Section 17.07 of this Ordinance.

#### **B. 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.

### **6.02 Minimum Soil Test Area Requirements**

A. 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.

B. 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.

- C. 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.
- D. All lots created after July 16, 1997 shall require one acre of buildable soil (as defined by the Chisago County 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.
- E. At any time that new construction is proposed on property previously undeveloped for residential purposes, site conditions and soils capable of supporting a Type I SSTS shall be proven to exist.

### **6.03 Upgrade, Repair, and Replacement Requirements**

- A. Upgrade, Repair and Replacement  
The following situations shall require an SSTS upgrade, repair, or replacement, as determined to be necessary by the County.
  - 1. SSTS Capacity Expansions  
Expansion of an existing SSTS shall include any upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.
  - 2. Building Permits  
Upon application for a building permit for a construction project which requires an upgrade, repair, replacement, or abandonment of an existing SSTS, a Permit for said upgrade, repair, replacement or abandonment of the existing system shall be applied for and approved, prior to approval of the building permit.
  - 3. Bedroom Additions  
Any bedroom addition to a residence shall require a determination of the existing SSTS size. Upsizing of the system shall be required in accordance with the appropriate gallons per day design flow calculation.
  - 4. Failure to Protect Groundwater  
An SSTS that is determined to pose a failure to protect groundwater pursuant to Minnesota Rules, Chapter 7080.1500, Subp.4.B, shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within one (1) year of receipt of a Notice of Noncompliance. A determination of the threat to groundwater quality for other conditions must be made by a Qualified Employee or licensed inspection business.
  - 5. Imminent Threat to Public Health or Safety

An SSTS that is determined to be an imminent threat to public health or safety pursuant to Minnesota Rules, Chapter 7080.1500, Subp.4A, shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within sixty (60) days of receipt of a Notice of Noncompliance.

6. Tank

If a sewage tank is cracked or otherwise unsound, it shall be replaced upon determination of the Qualified Employee.

B. Limited Upgrade, Repair and Replacement Exemptions

A system that has been identified by the County as non-compliant (exclusive of imminent threats to public health) may be allowed a limited exemption from the upgrade, repair and replacement requirements, provided it can be reliably verified that municipal or other community sewage treatment availability is imminent. Financial surety shall be required in an amount sufficient to guarantee installation of an SSTS within a specified time period should the provision of the municipal/community sewage treatment service fail to occur. A recorded Affidavit of Understanding shall be provided to the County, guaranteeing connection to city sewer when that service is available.

#### **6.04 SSTS in Floodplains**

A. New Construction

SSTS for new homes shall not be located in a floodway or any part of a floodplain.

B. 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.

#### **6.05 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).

#### **6.06 SSTS Licensing**

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.

Inspections within the County's jurisdiction shall only be performed by a Qualified Employee. Municipalities may allow independent certified inspectors to perform such inspections.

- A. 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.

## **6.07 Prohibitions**

- A. 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.

- B. 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.

- C. 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.

## **6.08 Assessment and Maintenance**

At least every three years, the owner of an ISTS or the owner's agent shall assess whether sewage tanks and components leak; measure, and if necessary, remove the accumulations of scum grease and other floating materials along with sludge (solids denser than water).

## **SECTION 7. SSTS STANDARDS**

### **7.01 Standards Adopted by Reference**

The County hereby adopts by reference Minnesota Rules, Chapters 7080, 7081, 7082, and 7083 in their entirety as now constituted, and any amendments that are consistent with this Ordinance.

### **7.02 Amendments to the Adopted Standards**

- A. SSTS which fall into the category of Type IV or Type V are permitted to be

installed to serve existing dwellings or Other Establishments where it can be proven that a Type I system cannot be installed either with or without a variance. Such systems must be monitored by a Certified Service Provider.

- B. Approved pretreatment devices are permitted on Type I, II, or III SSTS for new dwellings. For administrative purposes such systems shall be classed as a Type IV and an operating permit shall be required. If the design report submitted at application did not require pressure distribution the addition of pretreatment will not require the system to be pressurized. No reduction in separation will be allowed.
- C. Newly installed tanks shall be kept as shallow as possible for maintenance purposes. Tanks may exceed four feet in depth except that tank placement shall not exceed the manufacturer's maximum designed depth for the tank.
- D. MN Chapter 7080.1930 subpart 1. Table V is amended to read:

2 bedrooms or fewer	1000 gallon tank
3 - 4 bedrooms	1500 gallon tank
5 - 6 bedrooms	2000 gallon tank
7- 9 bedrooms	2500 gallon tank
- E. 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.
- F. All properties served by an SSTS shall require a compliance inspection, and/or arrangements for an upgrade, repair, or replacement in accordance with Section 12 prior to the time of property transfer.
- G. Each site evaluation submitted for approval in support of a Permit application shall include four soil profile assessments and one percolation test per site. Soil profile assessments conducted in frozen soil conditions shall not be accepted in support of an SSTS Permit application.

### **7.03 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.

### **7.04 Holding Tanks**

- A. 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.
- B. 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.

- C. In no case shall holding tanks be allowed for new food, beverage, lodging facilities, and Other Establishments.
- D. All holding tanks shall be installed in accordance with Minnesota Rules Chapter 7080.2290.
- E. 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.
- F. 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.
- G. Bedroom additions to a dwelling with an existing holding tank shall be allowed upon prior approval of the Department.

## **SECTION 8. SSTS CONSTRUCTION PERMITS**

### **8.01 Permits Required**

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.

- A. A SSTS Permit is required for all activities regulated in Chapters 7080 and 7081.

### **8.02 Activities Not Requiring a Permit**

A SSTS Permit is not required for minor repairs as defined in this Ordinance. However, notification to the County may be required, as determined to be necessary by the Department.

### **8.03 SSTS Permit Required to Obtain Building Permit**

For any project for which an SSTS is required, approval of a valid SSTS Permit must be obtained in conjunction with the building or land use permit.

### **8.04 Permit Application Requirements**

SSTS Permit applications shall be made on forms provided by the Department and signed by the owner/agent. The following submittals are required at time of application as determined to be necessary:

- A. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730, and Section 7.02H of this Ordinance.
- B. Design Report as described in Minnesota Rules, Chapter 7080.2430, including



formula and/or calculation worksheets, design, and proposed tank depth in accordance with Section 7.02 of this Ordinance.

- C. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
- D. Payment pursuant to prevailing County fee schedule.
- E. Any other information determined to be necessary by the Department.

#### **8.05 Application Review and Response**

The Department shall review all complete Permit applications and supporting documents, and conduct soil verifications. Upon approval, the Department shall issue a written Permit authorizing construction of the SSTS as designed.

In the event of a significant change to an approved application, the applicant shall file an amended application for approval, which details the proposed changes, and make payment according to the County fee schedule. The County shall review and approve the amendments to the Permit application prior to the initiation or continuation of the installation. If a Permit application is incomplete the Department shall reject it as incomplete pursuant to MN Statute 15.99. If the permit application does not meet the requirements of this Ordinance, the Department shall deny the application, stating the reasons for denial in writing.

#### **8.06 Appeal**

The applicant may appeal the Department's decision to deny the SSTS Permit pursuant to Chisago County Zoning Ordinance Section 8.07.

#### **8.07 Permit Expiration**

The SSTS Permit shall be valid for a period of not more than one year from its date of issue unless associated with a building permit. In such cases, the SSTS Permit validity shall be concurrent with the validity of the building permit.

#### **8.08 Extensions and Renewals**

The Department may, upon written request of the owner/applicant, grant an extension of the SSTS Permit if the construction has commenced prior to the original expiration date of the Permit.

If construction is not commenced within one (1) year from the date of issuance, the Permit may be renewed upon payment of a renewal fee as per the County fee schedule, provided site conditions or design requirements have not changed.

#### **8.09 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.

### **8.10 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 County fee schedule.

## **SECTION 9. MANAGEMENT PLANS**

### **9.01 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.

### **9.02 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.

## **SECTION 10. OPERATING PERMIT**

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

### **10.01 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.

### **10.02 Operating Permit Application Requirements**

A. Application for an Operating Permit shall be made on a form provided by the Department, and the following submittals may also be required:

1. As-built drawings of the treatment system.
2. Holding Tank or Privy Disposal Contract

Owners of holding tanks or privies must submit a valid, executed pumping contract with a Certified Maintainer.

3. Monitoring and Mitigation Plan shall include:
  - a. Monitoring locations, procedures and recording requirements.
  - b. Maintenance requirements and schedules.
  - c. Compliance limits and boundaries.
  - d. Reporting requirements.
  - e. Department notification requirements for non-compliant conditions.
4. System performance and operating requirements.
5. Valid contract between the owner and a Certified Maintainer.
6. Parcel Identification Number, owner's name, mailing address, site address, and number of years monitoring is required.
7. All monitoring and mitigation reports shall be sent to the Department.

### **10.03 Operating Permit Expiration and Renewal**

- A. Operating Permits shall be valid for one (1) year.
- B. An Operating Permit must be renewed prior to its expiration; the owner must apply for renewal at least thirty (30) calendar days before the expiration date.
- C. Application for renewal shall be made on a form provided by the Department. The following shall also be provided to the Department:
  1. All Compliance Monitoring Reports as required by the Operating Permit.
  2. Any revisions made to the operation and maintenance manual.
  3. Payment of application fee pursuant to the prevailing County fee schedule.

### **10.04 Transfers**

The Operating Permit shall be transferable to a new owner. Notification to the Department and addition of the new owner's original signature on the Operating Permit is required.

### **10.05 Monitoring**

- A. Monitoring of a SSTS shall be performed by the holder of the Operating Permit, or their Certified Maintainer or Service Provider in accordance with the monitoring frequency and parameters stipulated in the Permit. Any monitoring that requires sampling of effluent, as well as Type IV and Type V SSTS must be monitored by a Certified Service Provider.
- B. The monitoring report shall be submitted to the Department on or before the reporting date stipulated in the Operating Permit.

### **10.06 Issuance of Certificate of Completion**

Upon completion of the specified term of required monitoring and reporting on the SSTS

Permit the County shall issue a Certificate of Completion for the SSTS.

## **SECTION 11. ABANDONMENT CERTIFICATION**

### **11.01 Abandonment Requirements**

- A. 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.
- B. 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.
- C. 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.

## **SECTION 12. COMPLIANCE INSPECTIONS**

### **12.01 Compliance Inspections**

All compliance inspections required under the jurisdictional authority of this Ordinance must be performed by Qualified Employees of the Department.

### **12.02 Circumstances Which Require a Compliance Inspection**

A compliance inspection is required by Chisago County:

- A. 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.
- B. At the time of property sale or transfer in accordance with Section 12.04 of this Ordinance.
- C. In conjunction with variances for projects that may potentially impact future need for additional septic area, performance, or sizing, of an existing SSTS.
- D. 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 replacement or construction of decks.
- E. 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.

- F. 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;
- G. At any time the Department deems it necessary or appropriate in the interest of public safety.

### **12.03 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 treatment tanks at or below the operating level. This assessment shall include a leakage report which may be a visual observation. Tank must be pumped as clean as possible through the manhole;
- B. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock. This assessment shall include a vertical separation verification report. The verification to be made through soil borings performed by a Qualified Employee and may include a record of borings performed during a previous inspection;
- C. Sewage backup, surface seepage, or surface discharge. This assessment shall include a hydraulic function report, which may be a visual assessment.
- D. The size of the existing SSTS shall be determined when the compliance inspection is performed for a bedroom addition or other project or improvement that may impact the performance or sizing of the SSTS.

### **12.04 Compliance Criteria for Existing SSTS**

- A. SSTS located outside of areas designated as SWF

- 1. Installed Prior to April 1, 1996

SSTS built with a valid Permit prior to April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

- 2. Installed April 1, 1996 or Thereafter

SSTS built with a valid Permit on or after April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage or lodging establishments must have at least three feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance

measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

B. SSTS located within areas designated as SWF

SSTS in a Shoreland area, Wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom infiltrative surface and the periodically saturated soil and/or bedrock.

Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

C. Determination of Compliant, Failing or Imminent Health Threat

At the time of inspection the Qualified Employee will determine if a system is compliant, failing, or an imminent threat to public health and safety.

1. If the system is found to be compliant a Certificate of Compliance shall be issued by the Department.
  - a. Any new septic installation permitted and inspected by the County 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.
  - b. Existing systems which have been certified by the County 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.
2. 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:
  - a. 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 Notice of Noncompliance from the Department.
  - b. An existing system with less than 12 inches of separation from saturated soil to the bottom of the soil treatment system shall be

upgraded upon sale or transfer of property or not more than one (1) year after Notice of Noncompliance from the Department, whichever is sooner.

- c. All other systems determined to be noncompliant shall be upgraded upon sale or transfer of property or in conjunction with the issuance of the associated building permit. In the absence of a sale or transfer of property or the issuance of a building permit the Department shall continue to monitor these systems and shall have the authority to require replacement within ten (10) years, or sooner, if the system is determined to pose a threat to public health and safety.

**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

**D. Point of Sale – Transfer of Properties with Existing SSTS**

No owner of a property served by an SSTS located in the unincorporated areas of Chisago County, 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, 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.
2. If the seller fails to provide a Certificate of Compliance issued by the County, buyer and seller shall arrange for sufficient security to be established in the form of an escrow agreement to assure the installation of a complying SSTS.
  - a) This escrow procedure, along with a signed Affidavit of Understanding with the County may be used to allow for a transfer

of property to occur during winter months, until such time conditions allow for the inspection to be performed.

E. No Guarantee or Warranty Implied

Neither the issuance of Permits, certificates of compliance, nor notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness by the County. Such certificates signify that the subject SSTS is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

### **12.05 Certificate of Compliance**

The Certificate of Compliance must include a certified statement by a Qualified Employee indicating whether the SSTS is in compliance with the Ordinance requirements. If the SSTS is determined noncompliant with the applicable requirements, a Notice of Noncompliance must include a statement specifying those Ordinance provisions with which the SSTS does not comply. A SSTS Permit application must be submitted to the Department if the required corrective action is not a minor repair.

The Department shall deliver the Certificate of Compliance or Notice of Noncompliance to the owner or the owner's agent within 15 days of the determination by the Qualified Employee.

## **SECTION 13. CONSTRUCTION INSPECTIONS**

### **13.01 New Construction or Replacement General Requirements**

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

- A. 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.
- B. 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.
- C. No SSTS shall be placed into operation until a valid Certificate of Compliance has been issued for the system.
- D. 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 County 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.



- E. In addition to the inspection requirements listed in this Section (13), additional inspections may be required. Any variation from the required inspection schedule requires prior approval from the Department.

### **13.02 Trench, Pressure Bed, and Chamber Systems**

#### **A. Observation Pit**

1. Prior to the installation of a below-grade SSTS, an observation pit shall be excavated for purposes of viewing the soil profile.
2. The tank pit may be used as the observation pit at the discretion of the Qualified Employee.

#### **B. Tank Inspection**

1. The top of all tanks shall be exposed for viewing tank levelness, tank depth, and pipe connections. The tank size stamp shall be visible.
2. Manhole risers and inspection pipes shall be in place. All wiring and pumps shall be in place.

#### **C. Trench/Pressure Bed/Chamber Inspection**

1. Rock, chambers or any product listed on the MPCA approved product list shall be in place and leveled in each trench or bed.
2. Laterals, distribution pipe and drop boxes shall be exposed for the purpose of inspecting connections, lateral sizes, and lateral lengths. Casting over the center of a trench or chamber or any product listed on the MPCA approved product list is permitted.
3. All pipes shall be left uncovered for inspection. Geotextile fabric shall be placed over all rock or other approved products before covering.

#### **D. Final Inspection**

1. The minimum depth of soil cover, including topsoil borrow, over the distribution medium is 12 inches.
2. Trenches and seepage beds shall be backfilled and crowned above finished grade to allow for settling. The top 6 inches of the backfill shall have the same texture as the adjacent soil.
3. Final grade over any tank shall be crowned for settling and sloped to provide drainage away from the tanks.
4. All wiring, pumps and alarms shall be in place and in working order.
5. If erosion is likely, a vegetative cover such as seed or mulch shall be

established over the entire area of drainfield, pressure bed or chamber, as required by the Qualified Employee.

6. The drainfield or pressure bed shall 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.
7. Manhole covers shall be brought to final grade with sufficient insulation established to protect from freezing.

E. As-Built Drawing

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.

### 13.03 Holding Tank

- A. The top of tanks shall be exposed for viewing tank levelness, tank depth, and pipe connections. Maintenance hole risers and inspection pipes shall be in place. Tank size stamp, electrical wiring, and alarm shall be visible. Final approval shall not be issued until system is fully operational, and as-built drawing has been received by the Department.
- B. Final inspection requires positive drainage away from tanks.
- C. Manhole covers shall be brought to final grade with sufficient insulation established to protect from freezing.

### 13.04 At-Grade and Mound Systems

A. Scarification

Soil surface must be prepared in the following manner:

1. All vegetation longer than two (2) inches is to be cut and removed from the site.
2. Soil surface is to be roughened to a depth of eight (8) inches and shall not be moved more than one foot from its original location.
3. 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.
4. Scarification shall be inspected prior to covering with clean washed sand or the media bed.

B. Media Bed Inspections

1. The media bed shall be level; the distribution lines, laterals and manifold shall be completely exposed for inspecting.
2. Holes in laterals shall be facing downward and laterals must extend to the surface.
3. Upon completion of the inspection, geotextile fabric shall be placed over the entire media bed.

C. Tank Inspection

1. The top of all tanks shall be exposed for viewing tank levelness, tank depth, and pipe connections. The tank size stamp shall be visible.
2. Manhole risers and inspection pipes shall be in place. All wiring and pumps shall be in place.

D. Final Inspection

Fill cover depth on the system shall be as follows:

1. 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.
2. Six (6) inches of non-peat topsoil shall be placed over the entire system.
3. 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.
4. All wiring, pumps and alarms shall be in place and in working order.
5. 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.
6. A seed or mulch cover shall be established over the entire mound or at-grade area.
7. 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.

E. As-Built Drawing

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.

### **13.05 Reusing Tanks**

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.

For a tank being reused with installation of a new SSTS, submittal of a statement from a Certified Inspector, Certified Designers, or a Qualified Employee certifying the integrity of the tank after pumping and inspecting is acceptable.

If a sewage tank is cracked, or otherwise unsound, it must be replaced.

### **13.06 Point of Sale Inspection Requirements for Transfer of Property**

The following are the requirements for point of sale inspections:

- A. The SSTS area shall be free of snow during winter months, and shall be mowed during the growing season.
- B. The tank(s) shall be opened by removing the manhole cover and pumped at the time of the inspection.
- C. The ground around the SSTS shall not be frozen, or shall be thawed to allow soil borings when necessary.
- D. Access to the dwelling or Other Establishment shall be provided if deemed necessary by the Qualified Employee.

## **SECTION 14. LAND APPLICATION OF SEPTAGE**

### **14.01 Definitions**

#### Cover Crop

Grasses, small grains, or other close growing vegetation not grown for harvest.

#### Department

Chisago County Department of Environmental Services/Zoning.

#### EPA

Environmental Protection Agency

#### Feed Crops

Crops produced primarily for consumption by animals.

#### Food Crops

Crops consumed by humans.

#### Grease Trap Waste

Septage removed from a grease retention device serving an Other Establishment. Does not

include petroleum product grease traps.

#### Incorporation

The mixing of septage with the topsoil such as discing, moldboard plowing or chisel plowing to a minimum depth of six (6) inches.

#### Injection

The direct flow of septage from the injector tank or injector vehicle into the soil below the surface.

#### Intermittent Stream

A drainage channel that provides for runoff flow to any surface water during snow melt or rainfall events.

#### Maintainer

A person or business licensed by the MPCA as a Maintainer in accordance with MN Rules Chapter 7083.

#### MPCA

Minnesota Pollution Control Agency

#### Non Public Contact Site

Land with a low potential for contact with the public, including, but not limited to agricultural land, forest, and remote areas.

#### Pathogens

Organisms that are capable of producing an infection or disease on a susceptible host.

#### Public Contact Site

Land with a high potential for contact by the public, including, but not limited to public parks, recreation areas, and golf courses.

#### 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.

#### Seasonal High Water Table

The highest level the water table reaches during a given year.

#### Septage

Solids and liquids removed during the periodic maintenance of a SSTS, or solids and liquids that are removed from toilet waste treatment devices.

#### 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.

#### Vectors

Organisms such as flies, mosquitoes, and rats that have the potential to carry diseases.

## 14.02 Scope and Jurisdiction

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

Municipalities or townships within Chisago County with independent SSTS authority may regulate, administer and enforce their own land application regulations provided they are not less restrictive than this section.

## 14.03 General Provisions

- A. It is unlawful to discharge septage to any surface water or well, or on any land within Chisago County that has not been issued a valid Land Application Permit.
- B. **Maintainers License Required.**  
Land application of septage must be conducted by a Maintainer licensed by the MPCA.
- C. **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.
- D. **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.
- E. **Application Prohibited.**  
No person shall dispose of septage in a manner that:
  - 1. Contaminates the ground water, or surface water in any way.
  - 2. Results in pathogens or other contaminants coming into contact with humans through direct contact, vectors, or through the food chain.
  - 3. Is dangerous, or a hazard to humans or animals, both wild and domestic.
  - 4. That restricts or inhibits the soils ability to support viable plant growth.

## 14.04 Permit

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

- A. **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:
  - 1. The legal description and the Parcel Identification Number for the proposed receiving site.
  - 2. 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.

3. The exact location within the parcel where land application is proposed to take place.
4. Information regarding the nutrient suitability for land application of the proposed site, including current soil nutrient levels and proposed nutrient loading rates.
5. Information regarding the drainage, slope, absorption rates, and separation distance from the water table or restrictive layer of the proposed site. A soil test may be required to verify the appropriateness of a questionable soil type for septage application purposes.
6. The location and depth of any tile lines and drainage patterns.
7. The proposed application rates, method of application, incorporation, time period in which application may take place, and limiting conditions to application.
8. The cover crop and/or proposed cropping information.
9. A description of the pathogen and vector control methods to be used.
10. A description of how public access to the site will be controlled.
11. Parcel Identification Numbers and addresses of the properties that are the sources of the septage proposed to be land applied.

**B. Duration of Permit.**

A Permit shall be valid for five (5) years from the date of issue.

**C. Exemption.**

A farm, as defined by the State, is exempt only from the permitting requirements of this section for the land application of their own septage on land farmed by them per §115.56 Subd 2 (b)(3).

**D. Septage may be disposed of at a municipal wastewater treatment facility with permission of the municipality, and after obtaining a Permit from the Department, if required.**

### **14.05 Requirements for Land Application Sites**

To be approved as a Land Application site the following minimum requirements shall be met:

**A. The site shall:**

1. be a non-public contact site;
2. not be within any Shoreland District;
3. be located in the Agricultural Zoning District;
4. contain soils suitable for Land Application that have twenty-four (24) inches of separation from the application depth to the highest known restrictive layer, and are not rapidly permeable;
5. be free of flooding hazards and not be located in a flood way or flood plain; and
6. not contain slopes greater than 12%.

**B. No septage shall be applied to fractured bedrock, caves, sinkholes or wetlands.**

- C. Injection or incorporation may be required methods of land application depending on the site conditions.
- D. The minimum setback for each site and the method of incorporation listed in Table 2 must be maintained.

#### **14.06 Required Land Application Methods.**

- A. 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.
  - 1. 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.
    - a. 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.
    - b. 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.
    - c. 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.
- B. Septage application rates must not supply more available nitrogen in the cropping year than allowed in EPA 40 CFR Part 503.
- C. 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.
- D. 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.
- E. Septage shall not be applied by spraying from a public road or across road right-of-ways.
- F. The application vehicle must be moving at all times during application.
- G. A distribution device such as a splash plate or a spreader shall be used to evenly distribute the septage.
- H. The application shall be screened to remove large objects which must be removed



and disposed of properly.

- I. Soils must dry between applications.
- J. Soils wetter than the plastic limit shall not be driven on.
- K. 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.
- L. Septage must not be applied on areas with ponding water or septage.
- M. Slope Restrictions  
Land application methods shall be determined by percentage of slope and are listed in Table 2.

TABLE 2		
Slope (percent)	Surface Application	Incorporation Within 6 hours or Injection
0-6	Allowed	Allowed
>6-12	Not allowed	Allowed
>12	Not allowed	Not allowed
Septage may only be applied on areas with a slope of 2% or less when the soil is snow covered or frozen.		

- N. Setbacks in Table 3 shall be maintained.

TABLE 3 (Distances in Feet)				
		Separation Distances in Feet		
		Surface Applied	Incorporated within 6 hours	Injected
Private drinking water supply wells		200	200	200
Public drinking water supply wells <sup>1</sup>		1000	1000	1000
Irrigation wells		50	25	25
Residences		300	200	100
Residential developments		600	600	300
Public contact sites		600	600	300
Down gradient lakes, rivers, streams, wetlands, intermittent streams, or tile inlets connected to these surface water features, and sinkholes	Slope 0 % to 6 %	200	50	50
	Slope 6% to 12 %	Not Allowed	100	100
	Winter 0 % to 2%	600	Not Applicable	Not Applicable
Grassed water ways	Slope 0 % to 6 %	100	33	33
	Slope 6 % to 12%	Not Allowed	33	33
Shoreland		Not Allowed	Not Allowed	Not Allowed

<sup>1</sup> There may be special requirements if the land application site is within the boundaries of a wellhead protection area.

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

Table 4

<b><i>Soil Texture</i></b>	<b>Maximum Daily Application Rate – Gallons/Acre/Day</b>
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

P. 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 <ul style="list-style-type: none"> <li>• high potential for exposure</li> <li>• low potential for exposure</li> </ul>	1 year 30 days

**14.07 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:

- A. 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.
- B. Grease trap waste must be injected into the soil and is limited to an application rate of 15,000 gallons per acre per year.
- C. 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.
- D. 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 from the other tanks in series with this first tank or from tanks from another SSTS. Maximum application rates of this mixture are limited to 30,000 gallons per acre per year.

**14.08 Record Keeping and Reporting.**

In addition to EPA recording keeping requirements, the Maintainer shall develop a record keeping system that provides the information required by this section and retain such records for a minimum of five years. The reporting year will run from September 1 of each year through August 31 of the following year. Such report shall be submitted to the Department no later than November 1 of each year. The following information is required to be reported:

- A. Daily land application activities including:
  - 1. Each site where septage was applied, the date of application, Permit number for the site, and Parcel Identification number.
  - 2. The exact location on the site septage was applied, and the number of acres to receive septage.
  - 3. The quantity of septage applied.
  - 4. The method of application.
  - 5. Vector attraction reduction and pathogen reduction method used. If alkali addition is used, records must indicate the pH of each load.
  - 6. A description of any additional management practices and site restrictions that were used.
  - 7. Grease trap waste methods of disposal and incorporation.
  
- B. Any other analysis of information as required the Department.

## **SECTION 15. ENFORCEMENT AND VIOLATIONS**

### **15.01 Access**

No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance.

### **15.02 Stop Work Orders**

Stop work orders may be issued when the Department has probable cause to believe that an activity regulated by this or any other County Ordinance is being or has been undertaken without a Permit, or in violation of the provisions of a Permit. When work has been stopped by a red tag, the Permit shall be suspended and the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, the stop work order lifted, and the Permit reinstated.

To continue work or resume work is in effect is a violation of this Ordinance and a separate violation from the violation which caused the stop work order.

### **15.03 Violation**

Any person, firm, agent, corporation, or government subdivision that violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor. Each day that a violation exists shall constitute a separate offense, which may result in a citation.

### **15.04 Civil and Other Action**

In the event of a violation or imminent violation of this Ordinance, the County 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 County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

## **SECTION 16. COSTS 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 County Board.

## **SECTION 17. ADMINISTRATION**

### **17.01 Fees**

The County Board 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.

### **17.02 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 County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

### **17.03 Variances and Appeals**

#### **A. Variance Requests**

An owner may request a variance from the standards specified in this Ordinance pursuant to Chisago County Zoning Ordinance, Section 8.

#### **B. Appeals**

An owner may make an administrative appeal from a decision made by the Department, pursuant to Chisago County Zoning Ordinance, Section 8.

#### **C. Board of Adjustment**

The Board of Adjustment 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.

### **17.04 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 unenforceable, such unconstitutionality, invalidity, or unenforceability shall not affect the validity of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**17.05 Abrogation and Greater Restrictions**

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing County Ordinance, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

**17.06 Repealer**

This Ordinance repeals the Chisago County Sewage and Wastewater Treatment Ordinance #98-1 adopted February 25, 1998, Document Number 309452, and all amendments thereto.

**17.07 Date of Effect**

This Ordinance shall be in full force and effect after its approval and publication as provided by law. The Chisago County Subsurface Sewage Treatment Program Ordinance Number 10-1 is hereby adopted by the Chisago County Board of Commissioners on this 21<sup>st</sup> day of April, 2010 with an effective date of May 8th, 2010, as modified June 2<sup>nd</sup>, 2010 and effective June 10th, 2010.

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**Chair, Chisago County Board of Commissioners**

**ATTEST:** \_\_\_\_\_

**EFFECTIVE DATE: June 10, 2010**