

# GOODHUE COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE



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# **GOODHUE COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE**

Adopted 2014

Amended November 20<sup>th</sup>, 2018

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**GOODHUE COUNTY**  
**SUBSURFACE SEWAGE TREATMENT SYSTEMS**  
**ORDINANCE**

**ARTICLE I            PURPOSE AND AUTHORITY**

**SECTION 1.0                            PURPOSE AND INTENT**

**1.1     Purpose**

The purpose of this ordinance is to establish minimum requirements for regulation of ISTS and MSTs for 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 health nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

**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 Goodhue 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 abatement of the source.
- D. The provision of technical assistance, plan review and inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public health nuisance conditions.

**SECTION 2.0                            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, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082, or successor rules and all references to these Minnesota Standards and Rules are to those editions in effect April 1, 2014 unless otherwise stated herein.

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## ARTICLE II      DEFINITIONS

### SECTION 1.0

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

- 1.1      **County:** Goodhue County, Minnesota.
- 1.2      **County Board:** The Goodhue County Board of Commissioners.
- 1.3      **Department:** The Goodhue County Environmental Health Department.
- 1.4      **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 Minnesota Rules Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Article IV, Section 5.
- 1.5      **Imminent Threat to Public Health and Safety:** 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. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 5 hereof.
- 1.6      **ISTS:** An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.
- 1.7      **Malfunction:** The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.
- 1.8      **Management Plan:** A plan that describes necessary and 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.
- 1.9      **MSTS:** A “mid-sized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.
- 1.10     **Notice of Noncompliance:** A written document issued by the Department notifying a system owner that SSTS has been observed to be noncompliant with the requirements of this Ordinance.

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- 1.11 MPCA:** Minnesota Pollution Control Agency.
- 1.12 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 on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.
- 1.13 Record Drawings:** A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.
- 1.14 Sewage:** 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.
- 1.15 SSTS:** Subsurface sewage treatment system Including an ISTS, MSTs.
- 1.16 State:** The State of Minnesota.
- 1.17 Treatment Level:** Means treatment system performance levels as defined in Minn. Rules Chapter 7083.4030 Table III.
- 1.18 Transfer of Property:** The act of a party by which the title of the property is conveyed from one person to another. The sale or transfer of title, and every other method, direct or indirect, of disposing or parting with property, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise. This shall include, but not be limited to, sales by deed and contract for deed.

## **ARTICLE III      GENERAL PROVISIONS**

### **SECTION 1.0                      SCOPE**

This Ordinance regulates the 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, privy vaults, and other non-water carried SSTS. All sewage generated in the County shall be discharged to an approved SSTS that is designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or to a MPCA permitted facility.

### **SECTION 2.0                      JURISDICTION**

The jurisdiction of this Ordinance shall include all areas of the County except for townships or incorporated areas that administer a SSTS program by Ordinance within their jurisdiction, which is at least as strict as this Ordinance and has been approved by the County. The County shall keep a current list of local jurisdictions within the County administering a SSTS program.



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**SECTION 3.0 ADMINISTRATION**

**3.01 COUNTY ADMINISTRATION**

The Department shall administer the SSTS program.

**3.02 STATE OF MINNESOTA**

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, the owner or owners shall make application for and obtain a state disposal system permit from the MPCA.

A state disposal system permit is also required for any SSTS or group of SSTS that the commissioner determines has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management.

**SECTION 4.0 LIABILITY**

Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any ISTS or MSTs regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

**ARTICLE IV GENERAL REQUIREMENTS**

**SECTION 1.0 RETROACTIVITY**

**1.1 All SSTS**

Except as explicitly set forth in Article IV, Section 1.02, this Ordinance shall apply to any SSTS regardless of the date it was originally installed.

**1.2 Existing Permits**

Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration date.

**1.3 SSTS on Lots Created After January 23, 1996**

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, or 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.

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**SECTION 2.0      UPGRADE, REPAIR, REPLACEMENT, AND  
ABANDONMENT**

**2.1      SSTS Capacity Expansions**

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance.

**2.2      Bedroom Additions**

Before a building permit is issued for the addition of a bedroom to an existing structure, a compliance inspection of the SSTS on the property must be submitted to the Department.

If the compliance inspection indicates that the SSTS serving the property is non-compliant, the SSTS must be upgraded in accordance with Article IV Sections 2.03 or 2.04

**2.3      Failure to Protect Groundwater**

An SSTS that is determined not to be protective of groundwater in accordance with 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.

Existing noncompliant systems only need to repair or replace that portion of the system that is noncompliant.

**2.4      Imminent Threat to Public Health or Safety**

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4A the owner shall be required to immediately abate the threat to the public and will be required to upgrade, repair, replace or abandon the SSTS in accordance with the provisions of this Ordinance within one (1) year of receipt of a Notice of Noncompliance.

**2.5      Abandonment**

Any SSTS, or any component thereof, which is no longer in use, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

**SECTION 3.0                      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 Rules, Chapter 7080.2270 and all relevant local requirements are met.

**SECTION 4.0                      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 CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

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**SECTION 5.0****SSTS PRACTITIONER LICENSING**

No person shall engage in site evaluation, inspection, design, installation, construction, alternation, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except items A, C, D, E, F, G, H, I as exempted in 7083.0700.

**SECTION 6.0****PROHIBITIONS****6.1 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 human habitation that is not provided with a wastewater treatment system that complies with the provisions of this Ordinance.

**6.2 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 without first obtaining a permit from the MPCA under the National Pollutant Discharge Elimination System program.

**6.3 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.

**6.4 Discharge of Hazardous or Deleterious Materials**

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

**ARTICLE V SSTS STANDARDS****SECTION 1.0****STANDARDS ADOPTED BY REFERENCE**

The County hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081, as now constituted and from time to time amended, except for those portions amended in Section 2.0.

**SECTION 2.0 AMENDMENTS TO THE ADOPTED STANDARDS**

**2.1 The following amendments apply to all SSTS designed with flows of 2500 gallons per day or less.**

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**A. 7080.1930 Septic Tank Capacity**

Subpart 3 **Sewage Pumping.** is replaced with:

Pumping of sewage. If sewage is pumped from the dwelling to a septic tank, either subitem (1) or (2) must be used.

(1) The dosing volume to the tank shall not exceed one percent of the liquid volume capacity of the first tank or compartment required under subpart 1.

(2) A dosing volume above one (1) percent of the liquid capacity of the first tank or compartment is allowed if multiple tanks or compartments are used with the total liquid capacity being twice that required under subpart 1.

**B. 7080.2000 Location and Installation of Tanks**

(1.) Section “C” is replaced with

C. Sewage tanks must not be buried deeper than the manufacturer’s maximum designed depth.

(2.) Section “H” is replaced with

H. Sewage tanks must be protected from freezing.

**C. 7080.2050 Distribution of Effluent**

(1.) Subpart 2 B (8) is replaced with

Pipes susceptible to freezing shall be insulated; and

(2.)Subpart 2 C is replaced with

The minimum slope for gravity supply pipes is one percent (1/8 inch per linear foot). For pressure systems, a minimum slope of one percent for drainback or other frost protection measures must be employed.

**D. 7080.2150 Final Treatment and Dispersal**

Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3 E is replaced with the table below and shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this section.

TABLE IX

LOADING RATES FOR DETERMINING BOTTOM ABSORPTION AREA AND  
ABSORPTION RATIOS USING DETAILED SOIL DESCRIPTIONS

		Treatment Level C	Treatment Level C	Treatment Level A, A-2, B, B-2	Treatment Level A, A-2, B, B-2
USDA soil texture	Soil structure and grade	Absorption area loading rate (gpd/ft <sup>2</sup> )	Mound absorption ratio	Absorption area loading rate (gpd/ft <sup>2</sup> )	Mound absorption ratio***
Gravelly sand, sand, coarse sand, loamy sand, loamy coarse sand,	Single grain, granular, blocky, or prismatic structure; weak grade	1.2*	1.0	1.6*	1.0
Fine sand, very fine sand, loamy fine sand, loamy very fine sand,	Single grain, granular, blocky, or prismatic structure; weak grade	0.6	2.0	1.0	1.6
Sandy loam, coarse sandy loam, fine sandy loam, very fine sandy loam	Granular, blocky, or prismatic structure; weak to strong grade	0.78	1.5	1.0	1.6
Sandy loam, coarse sandy loam, fine sandy loam, very fine sandy loam	Platy with weak grade or massive	0.68	1.8	0.87	1.8
Loam	Granular, blocky, or prismatic structure; weak to strong grade	0.6	2.0	0.78	2.1
Loam	Platy with weak grade or massive	0.52	2.3	0.68	2.4
Silt loam, silt	Granular, blocky, or prismatic structure; weak to strong grade	0.5	2.4	0.78	2.1
Silt loam, silt	Platy with weak grade	0.42	2.9	0.65	2.5

	or massive				
Clay loam, sandy clay loam, silty clay loam	Granular, blocky, or prismatic structure; moderate to strong grade	0.45	2.6	0.6	2.7
Clay, sandy clay, silty clay	-	**	**	**	**

\* Item A. Three feet of soil with a texture of medium sand or finer must exist below the distribution medium. Soil absorption areas with a soil percolation rate of 0.1 to five minutes per inch that is not a fine sand or soil absorption areas with a soil texture of medium sand or loamy sand (Table IX) must use at least one of the following treatment techniques:

- (1) distribute the sewage tank effluent by pressure flow over the absorption area as specified in part 7080.2050, subpart 4; or
- (2) divide the total soil treatment system into at least four parts with no part larger than 25 percent of the area required and the parts constructed for serial application.

Item B. Soil treatment systems placed in soils with percolation rates of less than one tenth minute per inch or in a soil texture of coarse sand must provide at least one of the following treatment techniques:

- (1) a mound system; or
- (2) a trench system with at least one foot of clean sand placed between the distribution medium and the coarse soil along the excavation bottom and sidewalls that satisfies the requirements of item A, (1) or (2)

\*\*Percolation tests must be performed; systems installed in these soils may be required to be designed in accordance with the requirements in part 7080.2300

**E. The following portions of Minnesota Rules Chapter 7080 are not being adopted as part of this Ordinance for SSTs designed with flows of 2500 gallons or less:**

- (1.) 7080.1100 Subpart 66a,
- (2.) 7080.2050 Subpart 4 J,
- (3.) 7080.2150 Subpart 3 C (1) (b),
- (4.) 7080.2150 Subpart 3 L,
- (5.) 7080.2210 Subpart 1 C,
- (6.) 7080.2210 Subpart 4 F,
- (7.) 7080.2220 Subpart 1 D,
- (8.) 7080.2230 Subpart 1 D,
- (9.) 7080.2270 Subpart 1 C.

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## **F. Compliance Criteria for Existing SSTS**

- (1.) SSTS built before 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. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.
- (2.) SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil 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.

## **G. Holding Tanks**

Holding tanks are allowed for the following applications;

- (1.) as replacements for existing failing SSTS or for new construction on lots existing as of January 23, 1996 and only for those properties where it can be shown conclusively that a standard SSTS cannot be feasibly installed.

- (2.) buildings with limited water use and/or site conditions that make the installation of a SSTS difficult or impractical as determined by the Department.

- (1.) Holding tanks shall be sized at a minimum of five (5) times the estimated daily flow but no less than 1000 gallons.

## **2.2 The following amendments apply to all SSTS**

- A.** Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions” and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS with flows of greater than 2500 gallons per day.

## **B. Compliance Criteria for Existing SSTS**

- (1.) SSTS built before 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. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

- 
- (2.) SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil 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. Holding Tanks**

Holding tanks are allowed for the following applications;

(1.) as replacements for existing failing SSTS or for new construction on lots existing as of January 23, 1996 and only for those properties where it can be shown conclusively that a standard SSTS cannot be feasibly installed.

(2.) buildings with limited water use and/or site conditions that make the installation of a SSTS difficult or impractical as determined by the Department.

(3.) Holding tanks shall be sized at a minimum of five (5) times the estimated daily flow but no less than 1000 gallons.

**D. Minimum SSTS flow**

The minimum flow allowed for an SSTS design shall be 180 gallons per day.

**E. Architectural features that affect bedroom determination**

The following Architectural features may disqualify the use of a room as a bedroom for determination of SSTS flow calculations.

(1.) Only one means of egress

(2.) Cased opening for room access

(3.) Built-in features not commonly found in bedrooms

**2.3 Soil Interpretation Discrepancy**

If there is discrepancy about the details within a soil boring that affect the functional design of an SSTS or the state of compliance of an SSTS then the Department will accept the most restrictive interpretation unless a contested soil evaluation is performed by the following procedures.

A. A contested soil evaluation may be requested by either the affected property owner or an SSTS designer that has interpreted the soil by submitting the appropriate fee and application.

B. An onsite meeting shall be conducted to evaluate the soil. A qualified employee from the Department shall take into consideration all information and opinions rendered and make a final judgement of the soil from a soil pit. Affected SSTS professionals, and the property owners, should be invited to the meeting.



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- C. The Department shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions it renders.
  - D. Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the Department and all other parties involved.

## **SECTION 3.0 VARIANCES AND APPEALS**

### **3.1 Setbacks**

- A. For replacement SSTS, the Department may administratively adjust property line setbacks and building setbacks for any SSTS component as deemed necessary where it is determined that the adjustment will not harm the surface and ground waters of the State, injure the public health, safety, and general welfare, or adversely impact the owners of adjacent property.
- B. Setback adjustments not administratively approved by the Department shall follow the procedures outlined in Section 3.2.

### **3.2 Variances and Appeals**

A property owner may request a variance or appeal from a Department decision pursuant to the variance and appeals procedures set forth in the Goodhue County Zoning Ordinance.

### **3.3 Affected Agency**

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the appropriate State Agency.

## **ARTICLE VI SSTS PERMITTING**

### **SECTION 1.0 PERMIT REQUIRED**

It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without first obtaining the appropriate permit from the Department.

The issuing of any permit or variance under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

### **SECTION 2.0. CONSTRUCTION PERMIT**

A construction permit shall be obtained by the property owner, an agent of the property owner or a licensed SSTS contractor.

#### **2.1 Activities Requiring a Construction Permit**

A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any 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.

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## **2.2 Activities Not Requiring a Construction Permit**

A construction permit is not required for minor repairs or replacements of a compliant SSTS that do not otherwise change the original system's design, layout, or function. The repaired or replaced components must meet the current technical standards of this Ordinance.

## **2.3 Construction Permit Required to Obtain Building Permit**

For any property on which a SSTS permit is required, approval and issuance of a valid SSTS Construction Permit must be obtained before a building or land use permit may be issued by any county or city department.

## **2.4 Permit Application Requirements**

Application for a Construction Permit shall be made on a form provided by the Department and signed by the applicant. The application shall be completed with all the requested information and submitted to the Department with the documents listed in items A through C below:

- A. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730
- B. Design Report as described in Minnesota Rules, Chapter 7080.2430.
- C. Management Plan as described in Minnesota Rules, Chapter 7082.0600.

## **2.06 Application Review and Response**

The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. If the permit application is incomplete or does not meet the requirements of this ordinance the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

## **2.6 Permit Expiration**

The Construction Permit is valid for a period of no more than one year from the date of issue. Satisfactory completion of construction shall be determined by final inspection of the system by the Department or submission of the required information in Article VIII Section 1.02 (B) by the installer.

## **2.7 Extensions and Renewals**

The Department may grant an extension of the Construction Permit if the construction has commenced prior to the original expiration date of the permit or other circumstances exist that were beyond the control of the applicant, as determined by the Department. The permit may be renewed for a period of no more than twelve (12) months.

## **2.07 Transferability**

A Construction Permit shall not be transferred to a new owner. The new owner must apply for a new Construction Permit in accordance with this section.

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## **2.09 Suspension or Revocation**

The Department may suspend or revoke a Construction Permit issued under this section for any false statements, misrepresentations of facts on which the Construction Permit was issued, or unauthorized changes to the system design that 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. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Construction Permit is obtained.

## **SECTION 3.0 OPERATING PERMIT**

### **3.1 SSTS Requiring an Operating Permit**

An Operating Permit shall be required of all owners of new holding tanks, MSTs, Type IV systems, Type V systems or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a system until the Department certifies that the system was installed in substantial conformance with the approved plans, receives the final record drawings, and a valid Operating Permit is issued to the owner.

### **3.2 Permit Application Requirements**

A. Application for an Operating Permit shall be made on a form provided by the Department and must include the items specified in Minnesota Rules Chapter 7082.0600 Subp. 2 (B).

B. Monitoring and Disposal Contract

Owners of holding tanks shall provide to the Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3).

C. SSTS existing prior to the effective date of this ordinance

All owners of holding tanks, MSTs, Type IV systems, or any other system deemed by the Department to require operational oversight existing prior to the effective date of this ordinance shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, change of use or following any SSTS enforcement action.

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### **3.3 Department Response**

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

### **3.4 Permit Expiration and Renewal**

- A. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- B. 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 in 90 calendar days of the expiration date, the County may require that the system be abandoned in accordance with Article VI, Section 4.0.
- C. The Department shall notify the holder of an operating permit at least 30 calendar days prior to expiration of the permit.
- D. Application shall be made on a form provided by the Department including:
  - (1) Applicant name, mailing address and phone number.
  - (2) Reference number of previous owner's operating permit.
  - (3) Any and all outstanding Compliance Monitoring Reports as required by the Operating Permit.
  - (4) Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the County.
  - (5) Any revisions made to the operation and maintenance manual.
  - (6) Payment of application review fee as determined by the County.

### **3.5 Transfers**

The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with Article IV, Section 3.02 of this Ordinance. The Department shall not terminate the current permit until 60 calendar days after the date of sale unless an imminent threat to public health or safety exists. To consider the new owner's application, the Department may require a performance inspection of the system certified by a licensed inspector or qualified employee.

### **3.6 Suspension or Revocation**

- A. 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.
- B. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.

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- C. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Article VI, Section 4.0.
  - D. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

### **3.7 Compliance Monitoring**

- A. Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- B. A monitoring 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 provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
  - (1) Owner name and address
  - (2) Operating Permit number
  - (3) Average daily flow since last compliance monitoring report
  - (4) Description of type of maintenance and date performed
  - (5) Description of samples taken (if required), analytical laboratory used, and results of analyses
  - (6) Problems noted with the system and actions proposed or taken to correct them
  - (7) Name, signature, license and license number of the licensed professional who performed the work

## **ARTICLE VII MANAGEMENT PLANS**

### **SECTION 1.0 MANAGEMENT PLAN REQUIREMENTS**

#### **1.1 SSTS Requiring Management Plans**

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the construction permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification

#### **1.2 Required Contents of a Management Plan**

Management plans shall include the items in Minnesota Rules Chapter 7082.0600 Subpart 1 (B).

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### **1.3 Requirements for Systems not Operated under a Management Plan**

SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

## **ARTICLE VIII, COMPLIANCE MANAGEMENT**

### **SECTION 1.0 COMPLIANCE INSPECTION PROGRAM**

#### **1.1 Department Responsibility**

It is the responsibility of the Department, or its agent, to perform compliance inspections for new or replacement SSTS.

The Department shall be given access to enter a property at any reasonable time to inspect the SSTS. 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.

Compliance inspections are required as specified in Minnesota Rules Chapter 7082.0700 subparts 2, 3, 4 and this Ordinance.

#### **1.2 New Construction or Replacement SSTS**

- A. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081 and this Ordinance.
- B. It is the responsibility of the licensed contractor, SSTS owner or the owner's agent to notify the Department one (1) business day prior to any permitted work on the SSTS, not including holidays.

If an authorized representative of the Department does not appear for the scheduled inspection within an hour of the designated time, excluding Saturdays, Sundays, or holidays, the owner or owner's agent may proceed to cover the system and shall submit to the Department within ten (10) days, a certificate of underground construction, detailed record drawings and photographs of the major components of the SSTS.
- C. A Certificate of Compliance for new SSTS construction or replacement 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 construction permit.
- D. No SSTS shall be placed into operation until a valid certificate of compliance has been issued.

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### **1.3 Existing SSTS**

- A. For SSTS installed before April 1, 2014, procedures in Minnesota Rules Chapter 7082.0700 Subp. 4 shall be used to determine if the system is in compliance with this Ordinance.
- B. A compliance inspection shall be required when any of the following conditions occur:
  - (1) When a construction permit is required to repair, modify, or upgrade an existing system;
  - (2) Any time there is an expansion of use of the building being served by an existing SSTS which may impact the performance of the system;
  - (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 complaint or other notice of a system malfunction.
- C. SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored or otherwise managed according to management plan or operating permit. SSTS found to be noncompliant must be repaired or replaced according to this Ordinance.

### **1.4 Transfer of Properties**

- A. After October 1, 2014 whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:
  - (1) A compliance inspection must be conducted prior to the sale or transfer of any property.
  - (2) The compliance inspection must be performed by a licensed inspection business and shall be reported on the inspection report forms provided by MPCA .
  - (3) The findings of the compliance inspection and other relevant information must be disclosed at the time of sale or transfer of title or property on a “Sewage Disclosure Form” provided by the Department. If the Sewage Disclosure Form reveals that the SSTS is failing, a “Sewage Responsibility Form”, provided by the Department, must be signed by the seller and the buyer prior to the sale or transfer of title of the property.
  - (4) If the seller fails to provide a Certificate of Compliance, sufficient security in the form of an escrow agreement shall be created to assure the installation and inspection of a complying SSTS. The security shall be placed in escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to (125%) of a written estimate to install and inspect a complying SSTS provided by a licensed and certified installer, or the amount escrowed shall be equal to (110%) of the written contract price for the installation of a complying SSTS

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provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance to release the escrowed funds.

B. An inspection need not be completed if the sale or transfer involves the following circumstances:

- (1) The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
- (2) The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, and as amended from time to time, including but not limited to:
  - a) property being refinanced by the owner.
  - b) sale or transfer to the seller's spouse or ex-spouse.
  - c) transfer due to a mortgage foreclosure or tax forfeiture.
- (3) The residential property has a standard SSTS that was permitted by the Department and has been issued a "Certificate of Compliance" within the last 10 years, and is on file with the Department.
- (4) The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such a contract.
- (5) Any dwellings or other buildings that are connected to a municipal wastewater treatment system or are connected to a shared community system with operating agreements and monitoring plans. Operating agreements and monitoring plan results for the community system must be up to date and on file with the Department.

C. All property transfers subject to this ordinance occurring during the period between November 15th and April 15th, when SSTS compliance cannot be determined due to frozen soil conditions, shall require an escrow agreement to assure the inspection of a complying SSTS and installation of a new SSTS if inspection deems the SSTS to be failing. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to (125%) of a written estimate to inspect and install a complying SSTS provided by a licensed and certified inspector and installer, or the amount escrowed shall be equal to (110%) of the written contract price for the inspection and installation of a complying SSTS provided by a licensed and certified inspector and installer. A compliance inspection must be completed by June 1 by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the Department shall provide the escrow agent a copy of the Certificate of Compliance to release the escrow funds.



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D. 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. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

## **ARTICLE IX      ENFORCEMENT**

### **SECTION 1.0                      VIOLATIONS**

#### **1.1      Penalty**

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

#### **1.2      Notice of Violation**

The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

- A. A statement documenting the findings of fact determined through observations, inspections, or investigations;
- B. A list of specific violation(s) of this Ordinance
- C. A mandatory time schedule for correction, removal and compliance with this ordinance.

#### **1.3      Citation**

A citation may be issued for violations of this Ordinance in accordance with the Citation Ordinance for Goodhue County.

#### **1.4      Cease and Desist Orders**

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

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**SECTION 2.0****PROSECUTION**

In the event of a violation or threatened 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 threatened violations and 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.

**ARTICLE X FEES**

The fees for a SSTS permit shall be established by the County Board. The County Board may review and revise the fee schedule periodically. Applicable fees must be paid in full before any SSTS permit is issued.

**ARTICLE XI INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of each statute, other ordinance, or regulation shall be controlling.

**ARTICLE XII SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**ARTICLE XIII 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.

**ARTICLE XIV EFFECTIVE DATE**

This ordinance shall be in full force and effect upon adoption pursuant to Minnesota law.

**ARTICLE XV        ADOPTION**

The Goodhue County Subsurface Sewage Treatment Program Ordinance is hereby adopted by the Goodhue County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
**Chairperson, Goodhue County Board of Commissioners**

**ATTEST:**

\_\_\_\_\_  
**Goodhue County Administrator**

**EFFECTIVE DATE:** \_\_\_\_\_, 20\_\_