

LE SUEUR COUNTY ORDINANCE NO. ____

**ORDINANCE PROVIDING FOR THE CONTINUOUS COMPLIANCE OF
SUBSURFACE SEWAGE TREATMENT SYSTEMS WITHIN THE
GERMAN-JEFFERSON SUBORDINATE SERVICE DISTRICT**

WHEREAS, the County established the German-Jefferson Subordinate Service District (the District) to address an area with a high density of known and suspected wastewater concerns within the County;

WHEREAS, the wastewater concerns within the District have the potential to impact public health and water quality;

WHEREAS, the County inspected and inventoried a high percentage of SSTs within the District and confirmed the County's wastewater concerns within the District;

WHEREAS, the County conducted numerous public meetings to elicit public input from residents in the District on various options for addressing wastewater concerns within the District;

WHEREAS, the overwhelming consensus from District residents was that continuous compliance of SSTs, through rigorous inspection and enforcement, was the preferred option for addressing wastewater concerns within the District;

WHEREAS, the County's existing SSTS regulation in Section 17 of the Le Sueur County Zoning Ordinance (Existing Ordinance) does not provide for an inspection program to ensure continuous compliance.

WHEREAS, the County has determined that District residents' demands for rigorous inspection and enforcement processes is appropriate and will properly address wastewater concerns within the District;

WHEREAS, a new District-specific ordinance is necessary in order to implement the rigorous inspection and enforcement processes demanded by resident of the District, which shall take effect after the final compliance deadline in the Existing Ordinance.

NOW THEREFORE, the Le Sueur County Board hereby ordains:

SECTION 1. Purpose. The District was established for the purpose of addressing wastewater issues around German and Jefferson Lakes. The purpose of this Ordinance is to establish a rigorous compliance program for the inspection and enforcement of established standards for wastewater treatment systems within the District to ensure continuous compliance.

SECTION 2. Effective Date. This Ordinance shall take effect on January 1, 2018.

SECTION 3. Definitions.

Certificate of Compliance: A document, written after a compliance inspection, from an Inspector, certifying that an SSTS is in compliance with the applicable requirements of Minnesota Rules, Chapters 7080 to 7083, as amended and the Existing Ordinance at the time of the inspection.

Cluster System: An SSTS under some form of common ownership or operation that collects wastewater from three or more dwellings or structures and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or structures.

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

Department: The Le Sueur County Department of Environmental Services.

District: The German-Jefferson Subordinate Service District established by the Le Sueur County Board.

Holding Tank: A tank for storage of sewage until it can be transported to a point of treatment and dispersal as defined in Minnesota Rules, Chapter 7080.1100, subpart 41, as amended.

Inspection Report: A Certificate of Compliance or Notice of Noncompliance, together with the Le Sueur County Certification Form, signed and sworn by an Inspector.

Inspector: An individual qualified to review proposed plans and inspect on-site sewage treatment systems and who has been certified and/or issued a license from the Agency.

Jefferson-German Lakes Septic Inventory Project-JGSIP: The voluntary Jefferson-German Lakes Septic Inventory Project (JGSIP) initiated on March 29, 2011 by Le Sueur County within the boundaries of the Jefferson-German Subordinate Service District.

Licensed Business: A business that designs, installs or maintains, repairs, pumps, operates, or inspects SSTS.

MPCA: Minnesota Pollution Control Agency; referred to as “the Agency”

throughout this Ordinance.

Notice of Noncompliance: A document written and signed by a certified inspector after a compliance inspection that gives notice that an SSTS is not in compliance as specified under Minnesota Rules 7080.1500, as amended.

Subsurface Sewage Treatment System (SSTS): Either an individual subsurface sewage treatment system (ISTS) or a mid-sized subsurface sewage treatment system (MSTS) as defined in Chapters 7080 and 7081, as amended.

Subsurface Sewage Treatment System, Individual (ISTS): A subsurface sewage treatment systems as defined in Minnesota Rules, Chapter 7080.1100, subpart 41, as amended.

Subsurface Sewage Treatment System, Mid-sized (MSTS): A subsurface sewage treatment systems as defined in Minnesota Rules, Chapter 7081.0020, subpart 4, as amended.

Type I System: A subsurface sewage treatment system as defined in Minnesota Rules, Chapter 7080.2200; a Type I System utilizes trenches and seepage beds, mounds, at-grade systems, or gray water systems that meet or exceed the design and performance requirements of Minnesota Rules Chapter 7080, as amended.

SECTION 4. Application. The County has an existing SSTS ordinance (Section 17) that conforms to Minn. Rule Chapter 7082 and applies to all properties. All provisions of the Existing Ordinance, to the extent they are not modified by this ordinance, shall remain in full force and effect within the District. This Ordinance is in addition to the minimum requirements of the existing ordinance and shall apply only to properties within the District.

SECTION 5. Continuous Compliance. A valid certificate of compliance is required at all times. It is unlawful for any person to maintain, occupy, or use any structure intended for habitation without a valid certificate of compliance or a permit for the repair or replacement of a non-compliant SSTS.

SECTION 6. Inspector Requirements. All Compliance Inspections must be performed by an Inspector, as defined in 7082.0700. No Inspector or Licensed Business who previously designed, installed, inspected, or performed any maintenance on the SSTS may submit an Inspection Report for that SSTS for purposes of this ordinance until the SSTS has been independently inspected.

SECTION 7. Certificate of Compliance. Certificates of Compliance for a new SSTS shall be valid for 5 years. Certificates of Compliance for an existing SSTS shall be valid for 3 years unless evidence of noncompliance is found by the Department.

SECTION 8. SSTS Compliance. All compliant SSTSs shall meet the standards in the Existing Ordinance as it may be amended, specifically three feet of vertical separation and tank integrity verification, as well as all requirements under Minnesota Rules Chapter 7080 for an ISTS and Chapter 7081 for an MSTs.

SECTION 9. Cluster System Compliance. Every component a Cluster System must be compliant prior to the issuance of a Certificate of Compliance. In addition to the standards for an ISTS or MSTs, Cluster Systems shall meet the following standards:

- a. Written agreement between all owners of the parcels served by the Cluster System to allow system-wide inspection and maintenance on all parcels served by the Cluster System.
- b. Documentation of all service performed in the past three years in accordance with the Management Plan and Minnesota Rule Chapter 7082.0600 for ISTS or all service performed in the past three years in accordance with the Operation and Maintenance Plan and Minnesota Rule Chapter 7080.2450 and Chapter 7081.0290 for an MSTs must be submitted to the Department prior to the issuance of a new Certificate of Compliance.

SECTION 10. Holding Tank Compliance. All compliant Holding Tanks shall meet the standards in the Existing Ordinance as it may be amended. After December 31, 2017, new Holding Tanks shall only be allowed for seasonal residences or Lots of Record where a Type I system cannot be installed and a Cluster System is not available for connection. Existing, compliant Holding Tanks shall be allowed to remain. All compliant Holding Tanks shall meet the following standards:

- a. A copy of a current, valid monitoring and disposal contract must on file with the Department at all times.
- b. Documentation of all service performed in the past three years in accordance with a monitoring and disposal contract must be submitted to the Department prior to the issuance of a new Certificate of Compliance.
- c. Where available, a designated soil treatment area must be preserved through a written declaration recorded on the property when new seasonal residences are constructed or when parcels with existing Holding Tanks request a land use approval or property transfer.

SECTION 11. Required Installation of Type I System. Compliant Holding Tanks with available soil treatment areas, but lacking a Type I System, must install a Type I System within one (1) year of the following events:

- a. Transfer of the property, or
- b. Issuance of a land use permit or zoning permit approval.

All new SSTSs installed after the effective date of this Ordinance shall include a Type I System if an adequate soil treatment area is available.

SECTION 12. Effect of New Regulations. No system shall be “grandfathered” based on new County or state regulations and standards. All existing systems must be upgraded, repaired, or replaced in order to meet all performance and design standards for SSTS with the District prior to the issuance of a Certificate of Compliance.

SECTION 13. Compliance Period.

- a. An SSTS that is determined not to be protective of groundwater, in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B or otherwise fail to meet any standard of this ordinance and Minnesota Rules Chapter 7080 for an ISTS or Chapter 7081 for an MSTs, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within one (1) year of receipt of a Notice of Noncompliance.
- b. 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, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within ten (10) months of receipt of a Notice of Noncompliance.
- c. All operational deficiencies must be corrected immediately.

SECTION 14. Variances. No variances shall be granted from this Ordinance.

SECTION 15. Inspection Program. The Department shall send notice of the impending expiration of a Certificate of Compliance at least 120 days before expiration. Notice shall also be provided when a change in use of the property is proposed.

SECTION 16. Administrative Search Warrant. The County reserves the right to seek an administrative search warrant to perform a Compliance Inspection of any property within the District for which a valid Certificate of Compliance does not exist.

SECTION 17. Penalties. Any property owner who fails to upgrade, repair, or replace a non-compliant SSTS but continues to maintain, occupy, or use any structure for habitation without a valid certificate of compliance shall be guilty of a misdemeanor. Any person or entity who violates any provision of this Ordinance or makes any false statement in any document required to be submitted under this Ordinance shall be guilty of a misdemeanor.

SECTION 18. Funding. All activities resulting from this Ordinance shall be funded through the District in accordance with Minnesota Statute Chapter 375B and the resolution establishing the District.

SECTION 19. Severability. In the event any provision or part of this Ordinance is determined to be void or unenforceable by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 20. Effective Date. This Ordinance shall be effective January 1, 2018.

Adopted _____, 2017

Board Chairperson
Le Sueur County Board of Commissioners

Chairman,
German-Jefferson Sewer District Board

ATTEST:

County Administrator