

E. If a non-standard system reduces the vertical separation distance between the bottom of the distribution medium to saturated soil or bedrock from three feet, the following must be met:

1. A minimum of one foot of unsaturated soil must be present;
2. Additional nutrient removal may be required by the Health Authority for sensitive environments or high strength wastes;
3. For one to three feet of unsaturated soil, total fecal coliform levels shall not exceed an average of 2,000 colonies per 100 ml of effluent; and
4. The performance system must be installed with an alarm device that warns that the system has failed, so untreated sewage cannot reach the distribution medium.

6.41 Operating Permit. ~~The Health Authority shall issue and enforce an operating permit for all non-standard systems.~~ An operating permit is required for all treatment systems installed under Minn. R. 7080.2290 (holding tanks), Minn. R. 7080.2350-2400 (Type IV & V Systems), and Minn. R. ch. 7081 (MSTS). Sewage shall not be discharged to a treatment system requiring an operating permit until the health authority certifies that the treatment system was installed in substantial conformance with the approved plans, receives the final record drawings of the SSTS, and a valid operating permit is issued to the owner.

The operating permit shall be valid for twelve months and renewed by the expiration date. The Health Authority shall review all required monitoring data submitted from the previous year and the renewal application before approving any subsequent operating permits. An operating permit shall include:

1. A detailed description of the operation, maintenance, monitoring , reporting and compliance limits and boundaries necessary to ensure both continued system performance as designed and protection of public health and the environment for the life of the system;
2. A requirement that the person responsible for monitoring notify the Health Authority when monitoring plan requirements are not met;
3. A disclosure of the location and condition of the additional soil treatment and dispersal system;
4. A stipulation of acceptable and prohibited discharges; and
5. The signatures of the system designer and owner.

6.42 Monitoring Plans. ~~All sampling methods and analysis techniques shall be performed in accordance with Standard Methods. The monitoring plan shall be developed and approved prior to issuance of a permit and provide the following:~~

1. ~~The parameters for sampling, sample type, sampling location and frequency for monitoring;~~
2. ~~The sample parameter compliance limits or boundaries;~~
3. ~~The reporting frequency, not less than annually;~~
4. ~~The flow or water usage measurements;~~

5. The signature of the person responsible for conducting the monitoring and reporting to the Health Authority; and
6. A mitigation plan detailing actions to be taken if the system fails to meet the expectations established by the monitoring plan requirements. The mitigation plan shall detail possible component failures, corrective actions, person responsible for mitigation, and estimated cost of correction.

6.43 The results of the monitoring of a Non-Standard System shall be submitted in accordance with the approved monitoring plan to the Health Authority annually, no later than the expiration date of the operating permit. If monitoring results do not meet the monitoring plan requirements, then the person responsible for conducting the monitoring shall notify the Health Authority within 10 calendar days. Monitoring plans may be modified as necessary with approval by the Health Authority.

#### COMPLIANCE MONITORING.

1. 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.
2. 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 or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of the maintenance and servicing activities performed since the last compliance monitoring report as described below:
  - a. Owner name and address;
  - b. Operating permit number;
  - c. Average daily flow since last compliance monitoring report;
  - d. Description of type of maintenance and date performed;
  - e. Description of sample taken (if required), analytical laboratory used, and results of analyses;
  - f. Problems noted with the system and actions proposed or taken to correct them; and
  - g. Name, signature, license and license number of the licensed professional who performed the work.

6.5 Individuals Constructing Their Own ISTS. A license is not required for an individual who is constructing a ISTS on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual. The ISTS shall be designed by a Minnesota Pollution Control Agency licensed Designer I or II. License requirements. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS located in the county must be completed by a business licensed by the state under Minn. R. ch. 7083, an appropriately certified qualified employee, or a person exempted under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state SSTS license under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I) must follow all applicable local, state, and federal requirements. Property owners that employ a business to perform this work must hire a business that is licensed in accordance with Minn. R. ch. 7083.

6.6 Application Review and Determination. If after consideration of the application for a permit, the Health Authority determines that the proposed work complies with provision of this Ordinance, the Health Authority shall issue a written permit granting preliminary approval authorizing initiation of the work as proposed. If the Health Authority determines that the proposed work will not comply with the provisions of this Ordinance, the Health Authority shall deny the permit application. The permit application may be revised or corrected and resubmitted to the Health Authority for reconsideration.

6.7 Variances. Variances to wells and water supply lines require approval from the Minnesota Department of Health. The Health Authority may grant variances to the technical standards and criteria of Minnesota Rules or this Ordinance, However, the Health Authority is prohibited from granting variances to:

A. Minn. R. 7080.2150, subp. 2.

B. Minn. R. 7081.0080, subps. 2 to 5, however, variances may be granted to Minn. R. 7081.0080, subp. 4(D)(1) for the replacement of MSTs serving existing dwellings or other establishments.

C. Flow determinations under Minn. R. 7081.0110 if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

All requests for a variance shall be requested in writing to the Health Authority on forms approved by the Health Authority.

6.8 Periodically saturated soil disagreements.

A. If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the procedure outlined in this subpart.

(1) The disputing parties must meet at the disputed site in an attempt to resolve differences.

(2) If the provision does not resolve the differences, then

(a) Obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by, both parties.

(b) If opinions rendered do not resolve the dispute, all initial and follow-up documents and information generated must be submitted to the Health Authority. The Health Authority shall take into consideration all information and opinions rendered and make a final judgment. The Health Authority shall render findings of fact, conclusions of law, and findings setting forth the reasons for any final decisions it renders.

B. If a documented discrepancy arises on the depth of the periodically saturated soil between an SSTS licensed business and the Health Authority for SSTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.

(1) A representative of the Health Authority and the licensed business must meet at the disputed site

in an attempt to resolve differences.

(2) If the provision does not resolve differences, then the SSTS licensed business may obtain an opinion from a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of, and agreed upon by, both parties.

(3) If still unresolved, the Health Authority shall take into consideration all information and opinions rendered and make a final judgment.

The Health Authority shall render findings of fact, conclusions of law, and findings setting forth the

reasons for any final decisions they render.

C. Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the Health Authority and all other parties involved.

#### SUBDIVISION 7: CONSTRUCTION INSPECTIONS.

7.1 Requirements. Compliance inspections shall be conducted by the Health Authority anytime an SSTS is installed, replaced, altered, repaired, or extended. The installation and construction of the SSTS shall be in accordance with the permit requirements and application design. If any SSTS component is covered before being inspected by the Health Authority, it shall be uncovered if so ordered by the Health Authority. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Health Authority prior to construction. Inspections shall be conducted at least once during the construction that is prior to covering of the SSTS to assure that the system has been constructed per the submitted and approved design.

7.2 Inspector. Compliance inspections for construction, replacement, alteration or repair work on SSTS shall be conducted by the Health Authority.

7.3 Request for Inspection. It shall be the duty of the permittee to notify the Health Authority of the date and time the inspection is requested at least 24 hours (excluding weekend days and holidays) preceding the requested inspection time. If the permittee provides proper notice as described above and the Health Authority does not appear for an inspection within two hours after the time scheduled, the permittee may complete the installation and submit an As-built for the system.

7.4 Access to Premises and Records. Upon the request of the Health Authority, the applicant, owner, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Ordinance. If entry is refused, the Health Authority shall have recourse to the remedies provided by law to secure entry. No person shall hinder or otherwise interfere with the Health Authority in the performance of their duties and responsibilities pursuant to the enforcement of this Ordinance. Refusal to allow reasonable access to the Health Authority shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

7.5 Stop Work Orders. Whenever any SSTS work is being done contrary to the provisions of this Ordinance, the Health Authority may order the work stopped by verbal or written notice served upon the installer or the owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Health Authority.

7.6 As-builts. ~~As-builts shall only be accepted for Standard Systems.~~ As-builts shall be submitted to the Health Authority within five (5) working days of completion of the work on the SSTS on forms provided or approved by the Health Authority. The As-built shall include photographs of the system prior to covering and a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects. If an As-built is not submitted, the Health Authority may require the uncovering of the system for inspection.

7.7 Inspection Reports. A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Health Authority following an inspection or review of as-builts submitted in accordance with Section 7.6. A Certificate of Compliance or Notice of Noncompliance shall include a signed statement by the inspector identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules ~~Chapter 7080.0060~~. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within 30 days of the compliance inspection and a copy kept on file with the Health Authority.

7.71 Certificates of Compliance issued by the Health Authority for new construction and replacement shall be valid for five (5) years from the date of the compliance inspection or As-built certification unless the Health Authority or licensed inspector identifies the system as an Imminent Public Health Threat.

7.72 Notices of Violation may be issued with Notices of Noncompliance when the Health Authority determines that new construction, replacement or repairs are not in compliance with this Ordinance.

#### SUBDIVISION 8: EXISTING SYSTEMS.

8.1 Requirements. The Health Authority shall require a compliance inspection of an existing system whenever:

- A. In designated Shoreland Management or Wellhead Protection Areas, an application for any type of building or land use permit is made.
- B. The Health Authority deems a compliance inspection necessary, including, but not limited to, upon receipt of information of a potential SSTS failure or Imminent Health Threat.
- C. An additional bedroom on the property is requested. If a request for an additional bedroom is received between November 1 and April 30, the governing municipality may issue a building permit immediately with the contingent requirement that a compliance inspection of the

existing ISTS shall be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.

D. Any addition or remodel of a licensed food, beverage, or lodging establishment or any Other Establishment where the sewage treatment system's designed flow may be effected.

8.2 Inspector. Only the Health Authority or licensed Designer+or Inspector, shall conduct an inspection when a compliance inspection is required for an existing SSTS.

~~8.3 Existing Systems in Compliance with the Two-foot Rule. An existing system installed before April 1, 1996 shall be considered in compliance with the technical standards of applicable Minnesota Rules and need not be upgraded if the following conditions exist:~~

- ~~A. The system is not an Imminent Public Health Threat.~~
- ~~B. The system has at least two feet of vertical separation between the bottom of the distribution medium and seasonally saturated soil as indicated by mottling or other indicators.~~
- ~~C. The system is not in a Shoreland Designated Area.~~
- ~~D. The system is not in a Wellhead Protection Area.~~
- ~~E. The system is not serving a food/beverage/lodging facility.~~

8.3. 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.

8.31. 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 Minn. R. 7080.1100, subp. 84 must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the Health Authority, existing systems that have no more than a 15 percent reduction to the minimum required 36 inch separation distance are considered compliant. (i.e., a separation distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

8.34 abandonment of existing systems. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose is prohibited.

Abandonment shall be completed in accordance with Minn. R. 7080.2500.

8.4 Inspection Reports. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the Health Authority within 30 calendar days of inspection.

8.41 Certificates of Compliance issued by a licensed ~~ISTS~~ Inspector for an existing system shall be valid for three (3) years from the date of the compliance inspection unless the Health Authority or licensed inspector identifies the system as an Imminent Public Health Threat.

8.42 A Notice of Noncompliance shall be issued in the following circumstances and the conditions noted in violation of this Ordinance shall be remedied as follows:

- A. An SSTS determined to be failing shall be upgraded, replaced, or repaired in accord with Minnesota Rules Chapter 7080 or 7081, within three (3) years, or its use is discontinued. The Health Authority, at its discretion, may grant an extension of an additional two (2) years.
- B. An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired within 10 months. The Health Authority will give consideration to weather conditions in determining compliance dates. If a SSTS is determined to be a public health nuisance by the Health Authority, the Health Authority may order the owner of the SSTS to cease use immediately and not allow use of the ISTS until it is corrected in accordance with the recommendations of the Health Authority.

#### SUBDIVISION 9: VIOLATIONS.

9.1 Cause to Issue a Notice of Violation. Noncompliance with this Ordinance by an applicant, permittee, installer or other person, as determined by the Health Authority, shall constitute a violation.

9.2 Serving a Notice of Violation. The Health Authority shall serve, in person or by mail, a Notice of Violation upon any person determined to be not in compliance with this Ordinance.

9.3 Contents of a Notice of Violation. A Notice of Violation shall contain the following:

- A. A statement documenting the findings of fact determined through inspections, reinspection or investigation.
- B. A list of specific violation or violations of this Ordinance.
- C. The specific requirements for correction or removal of the specified violation(s).
- D. A mandatory time schedule for correction, removal and compliance with this Ordinance.

9.4 Notification of MPCA. The Health Authority shall in accordance with state law notify the MPCA of any inspection, installation, design, construction, alteration or repair of an ISTS by a licensed person or any pumping by a licensed pumper performed in violation of the provisions of this Ordinance.

SUBDIVISION 10: ADDITIONAL STANDARDS FOR HEALTH AND ENVIRONMENTAL PROTECTION.

10.1 Siting of an SSTS. Notwithstanding any state or federal requirements, the separation distance from an ISTS to a Type 3, 4, 5 or 6 wetland shall be no less than fifty (50) feet.

10.11 SSTS IN FLOODPLAINS. No permit shall be issued for SSTS located in a floodway and wherever possible, located 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 of Minn. R. 7080.2270 and all relevant local requirements are met.

10.12 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 to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures.

10.13 HOLDING TANKS. Holding tanks may be used for the following applications only after it can be shown conclusively by the property owner that a SSTS permitted under this ordinance cannot be feasibly installed:

1. As a replacement for an existing failing SSTS;
2. For an SSTS that poses an imminent threat to public health or safety; or
3. For use with buildings with limited water use.

10.14 DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING. Table IX from Minn. R. 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 Table IXa from Minn. R. 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 Percolation Tests and herein adopted by reference shall both be used to size SSTS infiltration areas using the larger sizing factor of the two for SSTS design.

10.2 Warrantied Systems. Warrantied systems, as described in Minn. Stat., Chapter 115.55, subd. 8, are prohibited.

10.2 Maintenance Report. ~~The owner of an ISTS or an owner's agent who measures or removes accumulations in accordance with Minn. Rules 7080.0175B shall submit records to the Health Authority of all pumping activities. Licensed maintenance businesses must abide by the requirements described in Minn. R. 7083.0770, subp. 2. All written reports required by Minn. R. 7083.0770, subp. 2 must be provided to the homeowner and the Health Authority within 30 days after any maintenance work is performed.~~ SYSTEMS NOT OPERATED UNDER A MANAGEMENT PLAN. Owners of SSTS that are not operated under a management plan or operating permit must inspect treatment tanks and remove solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minn. R. 7080.2450.

SUBDIVISION 11: ENFORCEMENT.

11.1 Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both, as defined by law. Each day in violation may constitute a separate violation.

11.2 In the event of a violation of this Ordinance, in addition to other remedies, the County or Municipal Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

SUBDIVISION 12: FEES. The Hennepin County Board shall from time to time establish fees for activities undertaken by the Health Authority pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Health Authority.

SUBDIVISION 13: SEVERABILITY. If a provision or application of this Ordinance is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance.

SUBDIVISION 14: EFFECTIVE DATE. This ordinance shall take effect ~~June 5, 2001~~ February 4, 2014.

Passed by the Board of County Commissioners of Hennepin County, Minnesota, this 4th day of February, 2014



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## MEMORANDUM

**Date:** 1/27/14  
**To:** Dave Martini, P.E.  
**From:** Brian Maim, P.E.  
**Subject:** City of Woodland Individual Sewage Treatment System (ISTS) Ordinance

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Counties in Minnesota are required by law to have ordinances governing septic systems. Cities may choose to either regulate septic systems themselves, or delegate that authority to the County.

In 2008 and 2011, the Minnesota Pollution Control Agency (MPCA) made major changes to the rules governing septic systems. As a part of the rule changes, local government units regulating septic systems are required to update their ordinances to meet the requirements of the new rules. Counties with ordinances are required to adopt an updated ordinance by February 4, 2014. Cities have an additional year to adopt their updated ordinance. The updated rules require that City ordinances be no less restrictive than the County ordinance. The purpose of the additional year is to allow Cities to review the new County ordinance and make the necessary changes.

One of the changes adopted with the new rules is a change in the terminology used in referring to septic systems. Septic systems of all sizes are now referred to as Subsurface Sewage Treatment Systems (SSTS). Systems with a flow less than 5,000 gal/day are referred to as Individual Sewage Treatment Systems (ISTS), systems with flows between 5,000-9,999 gal/day are referred to as Mid-Sized Sewage Treatment Systems (MSTS), and systems with flows 10,000 gal/day or greater are referred to as Large Subsurface Sewage Treatment Systems (LSTS). Both ISTS and MSTS are permitted by the local governments (County or City), while LSTS are permitted by the MPCA.

The updated MPCA rules the City must consider when updating its ordinance include MN Rules Chapter 7080, which governs ISTS, and Chapter 7081 which governs MSTS. MN Rules Chapter 7082 describes the requirements for City and County SSTS regulatory programs, including ordinance requirements.

The attached MPCA fact sheet further describes the requirements for City SSTS regulatory programs.

As requested, the proposed updated Hennepin County SSTS ordinance and the current City of Woodland ISTS ordinance have been reviewed to determine what changes would be required to the City's ordinance as a result of the new MPCA rules. Following is a general description of the major changes that would be required to meet MPCA requirements as well as the requirement that the City's ordinance not be less restrictive than Hennepin County's ordinance.

The City's current ordinance does not include such a provision. The updated MPCA rules include a procedure for this. It is recommended that the City's ordinance be updated to reference the provisions in the MPCA rules to satisfy this requirement.

6. Time Frame for Upgrade, Replacement, or Repair of Failing Systems

The updated MPCA rules require that the City's ordinance specify a timeframe for upgrade, replacement, repair, or discontinued use of systems that are failing to protect groundwater (lack of required vertical separation distance) or pose an imminent threat to public health (surfacing sewage, straight pipe discharge, etc.). Hennepin County's updated ordinance requires replacement, upgrade, repair, or abandonment of systems failing to protect groundwater within 3 years, with the possibility of a 2 year extension. It requires replacement, upgrade, repair, or abandonment of systems posing an imminent threat to public health within 10 months.

The City's current ordinance requires upgrade, replacement, abandonment or repair of systems failing to protect groundwater within 5-7 years (depending upon circumstances of discovery), or earlier at the City's discretion. Since this is less restrictive than the County's ordinance, the City must update its ordinance to reduce this time frame to 3 years, with the possibility of a 2 year extension.

The City's current ordinance requires upgrade, replacement or abandonment of systems posing an imminent threat to public health within 10 months. Since this is the same as the County ordinance, no change is required to this section of the City's ordinance.

7. License Required for SSTS Work

The updated MPCA rules require the City's ordinance to specify that all SSTS work be performed by appropriately licensed businesses, qualified employees, or persons exempt from licensing.

The City's current ordinance only specifies that pumpers be MPCA licensed. The City must update its ordinance to address this.

8. System Abandonment

The updated MPCA rules require the City's ordinance to include requirements for the abandonment of systems no longer in use.

The City must update its ordinance to include this.

9. Technical Standards

The updated MPCA rules require that the City's ordinance include technical criteria for new and existing SSTS.

The City's current ordinance includes such provisions, however, due to the MPCA rule updates, the references to MN Rules Chapter 7080 in the City's ordinance are no longer valid. The City must update its ordinance to address this. Also, the City's ordinance must be updated to include reference to the newly added of MN Rule Chapter 7081 governing MSTs

10. Holding Tanks

The updated MPCA rules require the City's ordinance to specify the conditions under which holding tanks will be permitted.

The City's current ordinance includes references to holding tanks, however, it does not specify the conditions under which holding tanks will be permitted. The City must update its ordinance to address this.



## Requirements for city and township SSTS programs

The Minnesota Pollution Control Agency (MPCA) will be working with city and township Subsurface Sewage Treatment System (SSTS) Program administrators more closely in the coming years to ensure that SSTS are systematically and effectively regulated. The following information outlines requirements for city and township programs.

Minn. Stat. 115.55 subp. 2 states cities and townships may choose to regulate septic systems. Counties are mandated to administer SSTS programs whenever there is no city or township program. This same statute requires that city and township SSTS programs must be at least as stringent as their county's program; however, if the county has adopted Alternative Local Standards (standards less stringent than state rules and only allowed in specific situations), that option is not available to cities and townships. In such cases, city and township ordinances must follow Minn. R. ch. 7080-7081 or be more stringent.

Minnesota law requires counties to amend their ordinances to include the 2011 MPCA SSTS rules by February 4, 2014. Minn. R. ch. 7082 allows cities and townships another year after the county to update their ordinances. The year starts on the date of the county adoption.

### At a glance-all SSTS programs (county, city and township) must:

- Have an administrator who has received the required training
- Adopt an ordinance that meets MPCA requirements
- Review SSTS permit applications for compliance with the rules
- Issue permits for SSTS construction
- Inspect SSTS at time of construction
- Issue certificates of compliance for newly-constructed or repaired SSTS
- Keep required records
- Provide the MPCA with annual reports with specific information
- Enforce compliance with their ordinance when noncompliance is found

### Local units of government can contract for design review and construction inspection services

#### Care must be taken to avoid conflicts of interest

State rules prohibit a contracted designer or inspector from designing a system and then approving the design. Rules also prohibit a contracted inspector from installing a system and then approving the installation (assuming the inspector holds all appropriate licenses).



**Minnesota Pollution Control Agency**

520 Lafayette Road North  
St. Paul, MN 55155-4194

**SSTS Ordinance Checklist**  
**Subsurface Sewage Treatment Systems (SSTS) Program**

Doc Type: Self Audit

**Instructions:** This checklist is to be completed and sent with a copy of the ordinance to the Minnesota Pollution Control Agency (MPCA) Commissioner at least 30 days prior to adoption of the ordinance. The Commissioner has up to six months to respond. The ordinance may be adopted and implemented during this time.

**Note:** To **unlock** this form for editing for MS Word 2003 users, select the Tools Menu/Unprotect Document; for MS Word 2007 users, select the Developer Tab/Protect Document/Restrict Formatting & Editing and click on Stop Protection in lower right corner of screen. (To add Developer Tab to Ribbon, click on the icon in the upper left corner of screen, select Word Options/Popular and check Show Developer Tab.)

**Submit checklist, list of differences, and a copy of the ordinance to:** Minnesota Pollution Control Agency  
Attn: Commissioner's Office  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Local Unit of Government: Hennepin County  
Administrator: Duane Hudson Date (mm/dd/yyyy): 12/11/2013

**County Programs**

Regulatory model chosen:

- Conventional
- Performance
- Alternative Local Standards (for existing systems)
- Alternative Local Standards (for new or replacement systems)

**City, Township, or Other Program**

County in which your jurisdiction lies: \_\_\_\_\_

Regulatory model chosen:

- Conventional
- Performance

**All Ordinance Requirements**

1. **A provision requiring upgrade, replacement, repair, or discontinued use of systems failing to protect ground water as defined in Minn. R. 7080.1500, subp. 4.**  
 Included  
 Ordinance citation (page or part number): County ordinance 19, Subdivision 8.42 subpart A  
 Upgrade time period: 3 years 705.03, Subdiv. 1 - 705.07, Subdiv. 5
2. **A provision requiring upgrade, replacement, repair, or discontinued use of systems posing an imminent threat as defined in Minn. R. 7080.1500, subp. 4.**  
 Included 705.07, Subdiv. 3  
 Ordinance citation (page or part number): County ordinance 19, Subdivision 8.42 subpart B
3. **If the local unit issues permits to add a bedroom, a provision requiring a Certificate of Compliance (COC) or Notice of Noncompliance (NON) be issued on the system prior to issuance of a building permit or variance for the addition of a bedroom.**  
 Included 705.07, Subdiv. 1  
 Issue bedroom permits included  
 Ordinance citation: County ordinance 19, Subdivision 8.1 and 8.1 subpart C

18. **Provision specifying what level of local approval is needed for repair, rejuvenation or remediation of SSTS as defined in local ordinance.**  
 Included 705.05, Subdiv. 1  
 Ordinance citation (page or part number): County Ordinance, Subdivision 6.1
19. **Provision specifying the allowed methods to determine the loading rate from Minn. R. 7080.2150, subp. 3, item E, Tables IX or IXa.**  
 Included None  
 Ordinance citation (page or part number): County Ordinance, Subdivision 10.14
20. **Provision that requires all sewage generated in the jurisdiction to be treated either in an agency-permitted facility or a system designed under Minn. R. chs. 7080 and 7081 standards.**  
 Included 705.03, Subdiv. 1  
 Ordinance citation (page or part number): County Ordinance 19, Subdivision 1.1
21. **Does the ordinance include a provision that allows a reduced separation distance as described in Minn. R. 7080.1500, subp. 4, item D?**  
 Included. *If so, this reduction must not be more than 15 percent in the vertical separation distance ordinarily required for that system.*  
 Ordinance citation (page or part number): County ordinance 19, Subdivision 8.31
22. **List of technical differences between Minn. R. chs. 7080 and 7081, and the local ordinance.**  
 Included None

### Additional Requirements for Performance Programs

1. **An education program for SSTS owners**  
 Included  
 Ordinance citation (page or part number): \_\_\_\_\_
2. **A program to evaluate risks of SSTS receiving environments and work with local planning authority to evaluate impacts of SSTS regulation on land use.**  
 Included  
 Ordinance citation (page or part number): \_\_\_\_\_
3. **A program to determine performance requirements necessary for each receiving environment that ensures that underground sources of drinking water are protected to the standard of Minn. R. ch. 4717 and surface water are protected to the standards of Minn. R. ch. 7050.**  
 Included  
 Ordinance citation (page or part number): \_\_\_\_\_
4. **Specify site evaluation requirements to define the process to characterize the receiving environment.**  
 Included  
 Ordinance citation (page or part number): \_\_\_\_\_
5. **A program for operating permits for all system owners, including tracking and review of compliance monitoring reports.**  
 Included  
 Ordinance citation (page or part number): \_\_\_\_\_
6. **A program to track residuals hauling, treatment and disposal according to EPA's 503 regulations and applicable state, tribal and local requirements.**  
 Included  
 Ordinance citation (page or part number): \_\_\_\_\_
7. **A program for notifying owners of pending scheduled submittals and for performing system inspections randomly or at the time of operating permit reissuance.**  
 Included  
 Ordinance citation (page or part number): \_\_\_\_\_

CITY COUNCIL  
CITY OF WOODLAND  
MEETING OF FEBRUARY 10, 2014

**Agenda Item 6. B.**

**New Business**

TO: Honorable Mayor and Members of the City Council  
FROM: Kathyne McCullum, City Clerk  
SUBJECT: Discussion regarding the 2014 Road Improvement Plan

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**Description**

Mayor Doak asked that this item be placed on the agenda for discussion. Additional information will be provided by Mr. Doak at the meeting.

**Recommendation**

Provide direction to staff on how the Council wishes to proceed on the 2014 road improvement plan.