

**AITKIN COUNTY
INDIVIDUAL SEWAGE TREATMENT SYSTEM
AND WASTEWATER ORDINANCE NO.1**

SECTION - SEWAGE AND WASTEWATER TREATMENT

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SUBDIVISION 1. GENERAL PROVISIONS

1.10 PURPOSE. The purpose of the Sewage and Wastewater Treatment SECTION shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minn. Stat. Chapters 115 and 145A and Minnesota Rules Chapter 7080 and as amended that may pertain to sewage and wastewater treatment.

1.20 OBJECTIVES. The principle objective of this SECTION shall include the following:

1.21 The protection of Aitkin County's lakes, wetlands, rivers and streams and supplies of groundwater essential to the promotion of public health, safety and welfare; the protection of the County's environment and its socioeconomic growth and development of the County in perpetuity.

1.22 Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper ISTS construction, reconstruction, repair and maintenance is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.

1.23 The provision of establishing minimum standards for ISTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.

1.24 The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, ISTS surveys and complaint investigation, as well as through technical assistance and education.

1.30 SCOPE. This SECTION shall regulate the design, construction and repair of ISTS in Aitkin County, including but not necessarily limited to individual on-site and cluster or community ISTS, privy vaults and other non-water carried ISTS, repair and/or replacement of failing ISTS and seepage disposal.

SUBDIVISION 2. ADMINISTRATION

2.10 STANDARDS ADOPTED BY REFERENCE. This Ordinance hereby adopts by reference Minnesota Rules Chapter 7080, sections 7080.0020 and 7080.0060 to 7080.0179. Sections 7080.0020 and 7080.0060 to 7080.0176 are the Technical Standards and Criteria.

2.20 ADMINISTRATION BY STATE AGENCIES.

2.21 For an on-site ISTS, or group of systems that are located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a State Disposal System permit from the Minnesota Pollution Control Agency (MPCA) if the on-site ISTS or group of systems are designed to treat an average design flow greater than 10,000 gallons per day.

2.22 For dwellings including apartments, townhouses, resort units, rental cabins and condominiums, the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a State Disposal System permit.

2.23 ISTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota including, but not limited to, campgrounds, resorts, mobile home parks, and eating and drinking establishments, shall conform to state and local requirements.

2.24 Any ISTS requiring approval by the State of Minnesota shall also comply with all local codes and this SECTION.

2.25 Plans and specifications must receive appropriate state and local approval before construction is initiated.

2.30 ADMINISTRATION BY AITKIN COUNTY. The Environmental Services Department shall regulate ISTS in Aitkin County pursuant to this SECTION.

2.31 The Department shall have the following duties and responsibilities:

- A.** To review all applications for ISTS;
- B.** To issue all permits required by this SECTION;
- C.** To inspect work in progress and to perform the necessary tests to determine its conformance with this SECTION;
- D.** To investigate complaints regarding ISTS;
- E.** To perform compliance inspections;
- F.** To issue certificates of compliance or notices of noncompliance where appropriate;
- G.** To issue Stop Work Orders and Notices of Violation, pursuant to this SECTION;

- H. To take complaints to the County Attorney for violations of this SECTION;
- I. To maintain proper records for ISTS including site evaluation records, design records including calculations and summaries for all system component sizing and as-builts.
- J. To submit annual reports to the MPCA to demonstrate enforcement of the local ordinance per Chapter 7080.0310.

2.32 Neither the issuance of permits, certificates of compliance or 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 noncompliance with the provisions of these standards and regulations.

2.4 DEFINITIONS

ABSORPTION AREA - means the area below a mound that is designed to absorb sewage tank effluent. This area is determined by multiplying the rockbed length by the required absorption width. The absorption area shall be the minimum clean sand area under the mound.

ABSORPTION WIDTH - is determined by using part 7080.0170, subpart 5, item B, subitems 4 and 5, or by calculating the berm widths by using the berm slope multipliers found on the Mound Design Worksheet (see appendix A), which ever is greater.

AS-BUILTS - Drawings and documentation specifying the final in-place location, size and type of all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.

BEDROOM - Any room used principally for sleeping purposes; an all-purpose room, a study, an Office, or a den will be considered a bedroom if it has a closet and egress window.

CERTIFICATE OF COMPLIANCE, ISTS - A document from a licensed sewage treatment inspector or designer 1 fully licensed by the State of Minnesota or a qualified employee provided to the owner of property on which a dwelling is located which is required to have an ISTS and to the Local Unit of Government (LUG), indicating that said ISTS is not a failing system nor an imminent threat to public health of safety and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, and this SECTION, as amended.

COMPLIANCE INSPECTION - Any evaluation, investigation, inspection, or other such process to make conclusions, recommendations, or statements regarding an individual sewage treatment system to reasonably assure an individual sewage treatment system is in compliance as specified under part 7080.0060. Compliance inspections must be conducted by a qualified employee or under a license independent of the owner.

COUNTY - Aitkin County, Minnesota.

COUNTY BOARD - Aitkin County Board of Commissioners.

DEPARTMENT - The Aitkin County Environmental Services Department, or other designated agent who is a qualified employee or licensee.

DWELLING - Any structure, building or recreational vehicle, mobile home, travel trailer, fish house, or place used or intended to be used by human occupants as a residence.

FAILING SYSTEM - Any ISTS that discharges sewage to a seepage pit, drywell or leaching pit and any system with less than three feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock. In addition, any system posing an imminent threat to public health or safety as defined in Minn.Rules 7080.0020 Subp.19a shall be considered failing. Systems installed prior to April 1, 1996, which do not present an imminent public health threat and have at least 2 feet of vertical separation between the bottom of the soil treatment system and the depth to the seasonally high water table or other limiting factors (bedrock, heavy clay soils, etc.) need not be upgraded, repaired, replaced, or its use discontinued (these systems will be considered conforming). This 2 feet of vertical separation does not apply to systems in shoreland areas, wellhead protection areas, or those used in connection with food, beverage, and lodging establishments.

HOLDING TANK - A tank for storage of sewage until it can be transported to a point of approved treatment and disposal. Holding tanks may be allowed as replacements for existing failing septic systems, systems which pose an imminent threat to public health or safety, and only when it can be conclusively shown that a standard ISTS cannot be feasibly installed. Holding tanks are not allowed as a means of sewage treatment for new construction on lots created after January 21, 1992 within the shoreland area and January 10, 1995 outside the shoreland area.

IMMINENT THREAT TO PUBLIC HEALTH - Situations with the potential to immediately and adversely impact or threaten public health or safety. At a minimum, cesspools, ground surface or surface water discharges from an ISTS and any system causing sewage backup into a dwelling or other establishment shall constitute an imminent threat.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS) - A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

INSPECTOR - An individual qualified to review proposed plans and inspect ISTS and who meets the licensure and registration requirements of the MPCA. Also, the person or persons registered by the MPCA with specialty area endorsements applicable to the work being conducted and assigned the responsibility for the administration of this Ordinance by the Director of the Department.

LAND USE DEVELOPMENT (ZONING) APPLICATION - The term includes, but is not limited to applications for the following: construction permits, ISTS permits, vegetative alteration permits, topographic alteration permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variances from the provisions of Ordinance's, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department unless all fees are paid, preliminary reviews and approvals completed, submitted and associated supporting information and documents, and such other information as required by the Department.

MOTTLING - As applied to soils, means a zone of chemical and reduction activity, appearing as splotchy patches of red, brown, or grey in the soil. In subsoils with a color value of four or more, the term mottling also includes soil having matrix colors with a chroma of two or less as described in "Keys to Soil Taxonomy": 5th Edition, 1992 Soil Management Support Services, technical monograph No. 19, which is incorporated by reference.

MPCA - Minnesota Pollution Control Agency.

NON-SHORELAND - Land not defined as "Shoreland" in this SECTION.

PRIVY (OUTHOUSE) - As defined in 7080.0020, Subp.28A.

QUALIFIED EMPLOYEE - An employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the ISTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work being completed, has fulfilled the contractual requirement under Chapter 7080, and has been issued performance restrictions.

SATURATED SOIL - (or seasonal high water table) The highest elevation in the soil where all voids are filled with water, as evidenced by presence of soil mottling or other information.

SECTION - Aitkin County Individual Sewage Treatment System and Wastewater Ordinance No.1.

SEPTAGE - Solids and liquids removed during periodic maintenance of an ISTS, or solids and liquids which are removed from toilet waste treatment devices, holding tanks, or privies.

SEWAGE - Any water-carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

SHORELAND - Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bound by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Minnesota Department of Natural Resources.

STANDARD INDIVIDUAL SEWAGE TREATMENT SYSTEM – ISTS that meets the requirements of the Technical Standards and Criteria of Minnesota Rules Chapter 7080.

SYSTEM - Individual Sewage Treatment System.

TOILET WASTE TREATMENT DEVICES - Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets. These systems or devices will be allowed but will not circumvent the requirement for a standard ISTS and these systems or devices are not to be considered as a standard ISTS.

TRANSFER OF PROPERTY - The Act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, lease of 3 years or more, gift, or otherwise.

SUBDIVISION 3. PERMITTING

3.10 PERMITS REQUIRED.

3.11 CONSTRUCTION PERMITS. A permit shall be obtained whenever any ISTS in Aitkin County is installed, replaced, altered, repaired or extended. Installation, replacement, alteration, repair, or extension of an ISTS shall not begin without first making an application for a permit and obtaining said permit from the Department for each specific installation, replacement, alteration, repair, or extension pursuant to this SECTION. A permit shall not be required only for the work identified under Subdivision 3.20 of this SECTION. Such permits are not transferable as to person or place. Such permits shall expire 12 months after date of issuance.

3.12 No building permit, where an ISTS is required, shall be issued until after the ISTS permit is approved and issued.

3.13 No dwelling, commercial, business, institutional or industrial unit shall be redesigned or enlarged if such redesign or enlargement results in exceeding the designed capacity of the ISTS unless a permit has been granted by the Department to redesign or enlarge the ISTS to accommodate the expected increase in sewage.

3.14 POSTING OF PERMITS. Permits must be posted in a conspicuous place on premises on which work is to be done and remain until work has been completed and inspected. Permits shall be provided by permittee at the time of inspection upon request of the inspector.

3.20 PERMITS NOT REQUIRED. Permits shall not be required only for the following:

3.21 Repair or replacement of a crushed pipe, pumps, floats, or other electrical devices of the pump, septic tank cover, maintenance hole risers or baffles in a septic tank. Permits may be required by other governmental agencies for activities related to or in conjunction with such activities.

3.30 PROPERTY OWNERS DOING OWN WORK. No ISTS for a commercial establishment can be constructed by anyone other than a Licensed Installer. Property owners who may be permitted to construct or repair ISTS on their own properties shall be exempted from providing proof of a State License but shall be required to execute a signed indemnification agreement pursuant to Subdivision 3.31 of this SECTION. Property owners doing their own work must comply with Subdivision 3.10 as well as other applicable provisions of this SECTION. A property owner shall have a current license issued by the MPCA for Designer I or II if they wish to perform the site evaluation or design their own ISTS. Every phase of the installation must be inspected by the Department at such stages and times

as the Department determines. There shall be a reinspection fee for each additional inspection required to ensure compliance with this SECTION. If the homeowner arranges for, hires, or subcontracts for services or assistance installing the ISTS, a person or entity providing such assistance or services must be fully licensed under this SECTION.

3.31 INDEMNIFICATION AGREEMENT. The permittee in Subdivision 3.30 shall provide a signed agreement to the Department which indemnifies and saves the County, holding it harmless from all losses, damages, costs and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provisions of this Ordinance. A copy of a signed agreement will be provided by the Department.

3.40 PERMIT APPLICATION REQUIREMENTS. All applications for an ISTS permit shall be made in writing on forms furnished by the Department and shall be signed by the applicant. Each application shall include the following information:

- A. Name and address of property owner;
- B. Property identification number (County Tax Parcel ID Number);
- C. Legal description of the property (Real Estate);
- D. ISTS Designer Name, address, phone number and State ISTS License number; (or Department qualified employee name and number);
- E. Site evaluation report that contains all the information under subdivision 3.41 of this SECTION.
- F. System design with all the information required under subdivision 3.41 of this SECTION including applicable construction information and a map drawn to a scale of 1 inch = 20 feet or larger scale, this scale may be changed with prior approval of the Department, and
- G. Any other information requested by the Department pertinent to the process;
- H. A certified statement from the person who conducted the work;
- I. In the Shoreland Zoning District, lots created after January 21, 1992, through the subdivision/platting process and/or after January 23, 1996, through metes and bounds descriptions, the system design shall include at least one designated additional soil treatment area which can support a standard individual sewage treatment system.

In the Non-shoreland Zoning District, lots created after January 21, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard individual sewage treatment system.

3.41 SITE EVALUATION REQUIREMENTS FOR PERMIT APPLICATION.

1. A map drawn to a scale of 1 inch = 20 feet with a north arrow, including the following:

- A. Horizontal and vertical reference points of soil observations (at least 2 for each site).
 - B. Elevations of all septic system components which shall include but not necessarily be limited to - Bench mark, sewer outlet, inlet to septic tank, inlet to pump tank, pump, manifold and drop boxes.
 - C. Distances to all required setback distances, lot improvements, easements, ordinary high water mark of public waters, property lines, direction and percent slope.
 - D. Location of any unsuitable or disturbed/compacted areas.
 - E. Access route for tank maintenance.
 - F. Water supply wells within 100 feet of the proposed ISTS.
 - G. Existing and proposed buildings on the lot.
 - H. Existing and proposed buried water pipes within 50 feet of the proposed ISTS.
 - I. 10 year flood plain elevation from published data as available or from data which is acceptable to and approved by Aitkin County.
 - J. All existing and proposed septic system components.
 - K. Landscape position and vegetation type.
 - L. Lot dimensions.
2. Estimated depth of seasonally saturated soil layer, bedrock, or flood elevation, if appropriate.
3. Proposed elevation of the bottom of the soil treatment system.
4. Final soil sizing factor.
5. Anticipated construction related issues.
6. Name, address, telephone number, state license number, and signature of the individual conducting the site evaluation.
7. Design worksheets as required by the Department.
8. Legal description of the property.
9. Names of property owners.
10. Signatures of property owners.
11. Dates of preliminary and field evaluations.

Soil observations:

Shall be done by an exposed pit, hand augering or probing.

Flite augers are not allowed.

Soil observations shall be conducted prior to percolation tests to a depth of the seasonally saturated layer, bedrock, or 3 feet below the bottom of the system. A minimum of 2 soil observations per site shall be conducted. More soil observations may be required in order to accurately identify the soil conditions within the area of the proposed ISTS. In the Shoreland Zoning District, lots created after January 21, 1992, through the subdivision/platting process and/or after January 23, 1996, through metes and bounds descriptions must have two (2) septic

system sites capable of supporting standard individual sewage treatment systems.

In the Non-shoreland Zoning District, lots created after January 21, 1996 must have two (2) septic system sites capable of supporting standard individual sewage treatment systems.

Minnesota Rules, Table Va, is incorporated by reference into this Ordinance. It is recommended when sizing septic systems to use the percolation test in conjunction with texturing of the soil and using the larger soil sizing factor for the system design.

Soil descriptions:

A soil description shall be written for each soil observation. Each soil observation shall contain the following:

- 1) Depth of each soil horizon measured from the ground surface. (Horizons change with texture, color, mottling, bedrock or any other characteristic which may affect percolation or treatment).
- 2) Soil matrix and mottled color described per horizon by the Munsell Soil Color Charts.
- 3) Soil texture using the USDA soil classification (see 7080)
- 4) Bedrock determined according to part 7080.0020, Subp.6.
- 5) Depth of standing water in the hole measured from the soil surface.
- 6) Any other soil characteristic which must be classified according to chapter 3 of the Soil Survey Manual, United States Department of Agricultural Handbook No. 18.

All buildings (including proposed buildings), wells, septic system components and soil testing locations must be staked clearly onsite.

3.42 APPLICATION REVIEW AND APPROVAL. If, after consideration of the application for a permit, a qualified employee or authorized licensee of the Department shall be satisfied that the work contemplated conforms to and complies with provisions of this SECTION, the Department shall issue a written permit granting preliminary approval authorizing initiation of construction of the system as designed. In the event of a change in the application information which served as the basis for issuing a permit, the permittee must file an amended application for reapproval prior to initiating or continuing construction, detailing the changed conditions for approval or denial.

3.43 No building permit, where an ISTS is required, shall be issued until after the ISTS permit is approved and issued.

3.44 Anytime any replacement, alteration or expansion of an ISTS or component is conducted, the entire system must be brought into compliance with this SECTION.

3.45 INCOMPLETE APPLICATION INFORMATION. If after consideration of the application for a permit, the Department shall be satisfied that the work contemplated will not conform to or comply with the provisions of this SECTION, the Department shall deny the application for a permit. Notice of such denial shall be served by mail or in person on the applicant or permittee. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the Department at any reasonable time for reconsideration.

3.50 FEES. The County Board shall establish fees for permits required by this Ordinance.

3.51 Fees shall be due and payable at the time of permit application.

3.60 VARIANCES. An affected property owner may request a variance from standards as specified in all of Aitkin County's Zoning Ordinance's and may be requested pursuant to the Aitkin County Zoning Ordinance. Variances to decrease the three feet of vertical separation required beneath the distribution medium and the saturated soil or bedrock must be approved by the MPCA as per the procedures contained in Minnesota Rules Chapter 7080.0305 Subp. 3. Variances to wells and water supply lines require approval from the Minnesota Department of Health.

SUBDIVISION 4. INSPECTION REQUIREMENTS

4.10 GENERAL REQUIREMENTS

4.11 COMPLIANCE INSPECTION. Compliance inspections for construction, replacement, alteration, repair or extension work on ISTS shall be conducted by the Department or under a licensee authorized by the Department who is independent of the owner and installer.

4.12 ACCESS TO PREMISES AND RECORDS. Upon the request of the Department, the applicant, 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 SECTION.

4.13 INTERFERENCE PROHIBITED. No person shall hinder or otherwise interfere with the Department in the performance of their duties and responsibilities pursuant to this SECTION. Refusal to allow reasonable access to the Department shall be deemed a

separate and distinct offense, whether or not any other specific violations are cited.

4.20 INSPECTIONS. All ISTS, in whole or in part, shall be inspected by the Department. No system shall be covered, in whole or in part, prior to inspection by the Department unless prior approval has been given by the Department. Failure to obtain approval from the Department shall cause the system to be exposed for inspection. The amount of ISTS exposed for inspection shall be determined by the Department at the time of inspection. The permittee shall notify the Department prior to the completion and covering of the ISTS. The installation and construction of the ISTS shall be in accordance with the permit requirements and application design. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Department prior to construction. Inspections shall be conducted up to two times for a drainfield trench system (prior to final cover and after final cover) and up to three times for a mound or atgrade system (scarification, prior to final cover and after final cover) or at other such times as to assure that the system has been constructed per submitted and approved design.

4.21 NOTIFICATIONS FOR INSPECTIONS.

A. It shall be the duty of the permittee to notify the Department 24 hours prior to the requested inspection. No guarantee of an inspection will be given unless the inspection is requested 24 hours in advance.

B. Failure of the Department to inspect the ISTS does not relieve or lessen the responsibility or liability of any person owning, controlling or installing any ISTS.

C. If the permittee provides proper notice as described above and the Department does not appear for an inspection within two hours after time set, the permittee may proceed by covering the system excluding the ends of each trench, at-grade or bed and the distribution device, or the four corners of the sand base and ends of the rock bed of a mound. Photographs of the system must be taken prior to covering and submitted with the Department within five working days. An As-Built drawing shall be completed which includes the locations of the ISTS components, structures, wells, maintenance holes, number and height of the maintenance hole risers, size and height of inspection pipes. In addition, trench depth, trench length, type-depth-size of the distribution medium, depth of backfill, dimensions of the rockbed and sandbase, the depth of the sand below the rockbed, size and separation of the pipes and perforations, size and length of the pump line, manufacturer-model number and horsepower of the pump, type and location of the alarm and any other pertinent information that

the inspector may deem necessary to approve the system. The As-built drawing must include a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects.

- 4.22** The As-Built drawings as described in Subdivision 4.21C shall be submitted to the Department within 5 working days of completion of the work on the ISTS. These shall be submitted on forms provided by the Department.
- 4.23** A Designated Registered Professional listed on the Installer's License must be onsite at all times during the construction of the ISTS unless the requirements under Subdivision 3.30 of this SECTION are met.
- 4.24** When required by the Department, holding, septic, or dosing tanks shall be filled with liquid to the discharge invert level for a sufficient period of time to demonstrate they are water tight.
- 4.25 INSPECTION REPORT.** A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Department following an inspection or review of as-built plans submitted in accordance with Subdivision 4.21 C. A Certificate of Compliance or Notice of Noncompliance must include a signed statement by the inspector identifying the type of ISTS inspected and whether the system is in compliance with this SECTION. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner within thirty (30) days of the compliance inspection and a copy kept on file in the Department. Certificates of Compliance for new construction are valid for five (5) years.
- 4.30 STOP WORK ORDERS.** Whenever any work is being done contrary to the provisions of this SECTION, the Department may order the work stopped by verbal or written notice personally served upon the installer or owner of the land. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Department.
- 4.40 INSPECTION REQUIREMENTS FOR EXISTING SYSTEMS.** Only a qualified employee or authorized licensee or licensed Designer I or Inspector independent of the owner shall conduct an inspection when a mandatory compliance inspection is required for an existing ISTS. 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 Department within thirty (30) days of the inspection. Certificates of Compliance for existing systems are valid for three (3) years.

Certificates of Compliance and Notices of Noncompliance shall be submitted on forms provided by the Department.

4.41 MANDATORY COMPLIANCE INSPECTIONS OF EXISTING SYSTEMS.

An ISTS shall require a compliance inspection when any one of the following conditions occur;

- A. Anytime a permit is required by Aitkin County's Shoreland Management and General Zoning Ordinance's , excluding Land Alteration Permits, or whenever these Ordinances requires an inspection of the ISTS.
- B. Anytime there is an increase in the number of bedrooms or water usage that would impact the ISTS performance.
 - 1. If a request for an additional bedroom or variance is received between November 1 and April 30 the County may issue a permit or variance immediately with the requirement that a compliance inspection be completed by the following June 1, the applicant submits a certificate of compliance by the following September 30 and the Department is satisfied that adequate room is available to install a conforming ISTS on the property .
- C. Anytime there is a change in the use of the property that could impact the ISTS (i.e. residential to commercial, commercial to industrial, etc.), including anytime there is a change in the use of the property that requires a permit.
- D. Anytime there is an expansion to the buildings or business.
- E. Prior to the transfer of title to real estate with a dwelling unit, mobile home or any other building served by or required to have an ISTS, whether by warranty deed, quit claim deed or any other method of transfer including the lease of a term of 3 (three) years or more. The requirements as stated in Subdivision 4.45 through 4.48 of this SECTION must be met.
- F. At anytime the Department deems appropriate such as upon receiving a complaint or other information of system failure.

Multiple soil borings must be done around the perimeter of the ISTS to ensure the bottom of the distribution medium meets the required separation distance above the saturated soil level or bedrock.

4.42 RECERTIFICATION. Recertification of the system will be required after three (3) years of the date of the compliance inspection or anytime a compliance inspection is required by this SECTION, Aitkin County's Shoreland Management Ordinance or Aitkin County's Zoning Ordinance, whichever is less.

4.43 EXISTING TANKS. Any septic tank that is exposed for inspection, repairs, or for maintenance purposes shall meet the requirements of Minnesota Rules Chapter 7080.0130; Subpart 1, A-D and Subpart 2, C,M.

4.44 FAILING SEPTIC SYSTEMS. A notice of noncompliance shall be issued and state which portions of the ISTS are noncomplying and what needs to be done to bring the ISTS into compliance with this SECTION. Copies of the notice of noncompliance must be provided to the property owner and the Department within 30 days under the following conditions:

A. A failed ISTS shall be upgraded, replaced or repaired in compliance with Minnesota Rules Chapter 7080.0060, as applicable within one (1) year. The Department will give consideration to weather conditions as compliance dates are established;

B. An owner with an ISTS posing an imminent threat to public health or safety shall abate the Imminent Threat to Public Health (ITPH) within ten (10) days and the ISTS shall be upgraded, replaced or repaired within ten (10) months;

C. When the ISTS is determined to be failing.

D. The owner(s) shall submit to the Department an acceptable Replacement Plan within thirty (30) days after notification by the Department. The Replacement Plan shall identify the location and design of the ISTS and a schedule for its replacement. Failure to submit and execute an acceptable Replacement Plan is a violation of this SECTION.

E. Any ISTS, irrespective of the date of original installation, which is found to be in violation of this SECTION, shall be relocated, reconstructed or reinstalled so as to be in compliance with this SECTION.

4.45 SALE OR TRANSFER OF PROPERTY.

A. A Certificate of Compliance shall be provided by the seller or transferor to the buyer or transferee before the Transfer of Title to Real Estate with a dwelling unit, mobile home or any other building served by or required to have an ISTS, or, before the transfer of title by deed, contract or lease of a term of three (3) years or more. The Certificate of Compliance will be used for the completion of the Property Transfer Notification Form.

B. If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer with a site evaluation report, approved septic system design and approved Zoning Permit from the Department for the installation of an ISTS, or a signed and notarized Agreement to Upgrade Form is submitted to the Department. These forms can be obtained from the Department and will be used for completion of the Property Transfer Notification Form.

C. The Certificate of Compliance shall be completed by a sewage treatment system Inspector or Designer I licensed by the State of Minnesota and shall indicate that said ISTS is in compliance with Minnesota Rules Chapter 7080 and this SECTION as amended.

D. In the event that one of the exemptions listed in Subdivision 4.46 or 4.47 of this SECTION applies, the Sworn Affidavit must be completed and accompany the deed for recording. A copy of the Sworn Affidavit can be obtained from the Department.

E. The Certificate of Compliance, Winter Release Form, Sworn Affidavit and Agreement to Upgrade Form shall be filed with the Department on forms provided by the Department.

F. A Certificate of Compliance, Winter Release Form, Sworn Affidavit, Agreement to Upgrade Form and a Transfer of Property Notification Form shall accompany the deed for recording. The County Recorder shall note on a copy of each deed when the required forms are not submitted. Nothing in this Section precludes the County Recorder from recording a deed.

4.46 EXEMPT TRANSACTIONS. The Certificate of Compliance need not be completed if the sale or transfer involves the following circumstances:

A. The tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.

B. No Certificate of Real Estate Value need be filed with the County Auditor, as per Minnesota Statutes, Chapter 272.115.

C. The sale or transfer completes a contract for deed entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such a contract.

D. Any dwellings or other buildings with running water are connected to a municipal wastewater treatment system.

E. Documents dated prior to the effective date of this Ordinance.

4.47 TRANSACTIONS OCCURRING BETWEEN NOVEMBER 1 AND APRIL 30.

A. If the transaction occurs between November 1 and the following April 30, and the compliance inspection cannot be completed, the transfer may occur with a stipulation that a compliance inspection shall be completed by the following June 1, a certificate of compliance is completed by the following September 30, a copy of a signed agreement known as a "Winter Release of Compliance Inspection Form" is submitted to the Department. A copy of the "Winter Release of Compliance Inspection Form" can be obtained from the Department. The forms and documents listed above must be brought to the Department for completion of the Property Transfer Notification Form.

4.50 NOTICE OF VIOLATIONS

4.51 CAUSE TO ISSUE A NOTICE OF VIOLATION. Unresolved and either separate, recurrent, or continuing violations of this SECTION by an applicant, permittee, installer or other person, as determined by inspections, reinspections, or investigations shall constitute nonconformance or noncompliance with this SECTION.

4.52 SERVING A NOTICE OF VIOLATION. A Notice of Violation shall be served by mail or hand delivered upon the applicant, permittee, installer or other person found to be in violation of this SECTION.

4.53 CONTENTS OF A NOTICE OF VIOLATION. A Notice of Violation shall contain the following:

- A.** A statement documenting the findings of fact through inspections, reinspections or investigations;
- B.** A list of specific violations of this SECTION;
- C.** The specific requirements for correction or removal of said violations;
- D.** A mandatory time schedule for correction, removal and compliance with this SECTION; and
- E.** Specific enforcement actions that will be taken if corrective action is not completed.

4.54 STATE NOTIFICATION OF VIOLATIONS. Any inspection installation, design, construction, alteration or repair of an ISTS by a licensed person or any pumping and disposal of septage by a licensed pumper or hauler done in violation of the provisions of this SECTION shall be cause for notification to the MPCA.

SUBDIVISION 5. ADDITIONAL STANDARDS FOR HEALTH AND ENVIRONMENTAL PROTECTION

5.10 ADDITIONAL STANDARDS. The following standards shall also apply:

5.11 SEPARATION DISTANCES.

- A. The separation distances from a well to an ISTS shall be specified in M.S. 301i, Minnesota Rules Chapter 4725, as amended.
- B. The separation distances from an ISTS to designated lakes and rivers shall be as identified in the Aitkin County Shoreland Management Ordinance.

5.12 MAINTENANCE.

- A. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three (3) years, measure or remove the accumulations of scum and sludge in the septic tank and is responsible for full maintenance of the ISTS as indicated by Minnesota Rules Chapter 7080.0175.

5.13 ALTERNATIVE AND EXPERIMENTAL SYSTEMS - Alternative systems are allowed only on lots created prior to January 21, 1992 within the Shoreland Zoning District and January 10, 1995 outside of the Shoreland Zoning District when it can be shown that a standard ISTS cannot be installed.

5.14 OTHER SYSTEMS (7080.0178) and PERFORMANCE SYSTEMS (7080.0179) – are incorporated by reference into this Ordinance – These systems shall not be considered as a standard ISTS.

5.15 MONITORING AND MITIGATION PLANS:

- A. Monitoring and mitigation plans are required for systems under parts 7080.0178 and 7080.0179. They shall be developed and approved before issuance of a permit for the system. Monitoring and mitigation plans shall be signed by the permittee and approved by the Department.
- B. Monitoring plans may be modified as necessary and reapproved by the Department.
- C. Monitoring Plans
 - 1) A monitoring plan must adequately detail the operation, maintenance, and monitoring necessary for the proposed design to ensure both continued system performance as designed and public health and environmental protection for the life of the system. The plan must prescribe the type and frequency of monitoring and require routine flow measurement.

- 2) Monitoring results shall be submitted annually by the permittee to the Department. The Department must maintain the monitoring results. Monitoring plans must require the permittee to notify the Department within 30 days if monitoring results do not meet monitoring plan requirements.

D. Mitigation Plans – The mitigation plan must indicate what the permittee will do if the system fails to provide treatment and disposal or public health and environmental protection. The plan must detail the actions, responsible parties, and appropriate timelines for mitigation.

5.16 IN ADDITION TO ANY STANDARDS CITED IN THIS SECTION AND MINNESOTA RULES CHAPTER 7080, THE FOLLOWING SHALL ALSO APPLY:

A. All ISTS shall be sized on a Classification I (Type I) Dwellings as indicated in MPCA Chapter 7080.0125 Table I. On lots created prior to January 21, 1992 within shoreland areas and January 10, 1995 outside the shoreland area, if the lot area does not permit for a Type 1 ISTS, a Type II or III ISTS may be allowed with conditions.

B. Mound septic systems with percolation rates between 30mpi and 120 mpi, shall not be located on slopes in excess of 12%.

C. The absorption width of mounds shall be calculated using dike (Berm) slope multiplier ratios of 4:1 or flatter. If lot area or setback distances don't allow for the use of these multipliers, the Department may consider the use of steeper dike slopes.

D. A maximum of two ten-foot wide beds may be installed side by side in a single mound if the original soil percolation rate is between five (5) and sixty (60) mpi to a depth of at least 24 inches below the sand layer. The beds must be separated by at least four (4) feet of clean sand. The absorption area under the sand layer must equal or exceed that of a similar sized mound with one rockbed. It is preferred that the separation between the rockbeds is the same as a downslope dike width.

E. The entire construction of a mound must take place and continue through the entire construction process when the upper 12 inches of soil has a moisture content of less than the plastic limit. If a mound gets rained on prior to covering, construction of the mound shall not continue until the upper 12 inches of soil under the absorption area and around the perimeter of the sand base has a moisture content less than the plastic limit.

F. Setback distances from mound septic systems to buildings, lakes, property lines, wells, rivers, creeks, streams, road right-of-ways, etc..., will be taken from five feet beyond the upslope of the rockbed and 5 feet beyond the ends of the rockbed and from the end of the downslope dike or from the outer limits of the absorption area as defined in this SECTION, whichever is greater.

G. All ISTS in sandy soils, shall be sized on a soil sizing factor of 1.27 sq.ft./gallon/day unless the sandy soil meets the special requirements in Minnesota Rules Chapter 7080.0170, Subpart 2, C, Table V, which would require a soil sizing factor of 1.67 sq.ft./gallon/day.

H. Each drainfield line must be connected separately to drop boxes and distribution boxes and must not be subdivided.

5.20 SEPTAGE DISPOSAL AND TREATMENT. Shall meet the requirements found in the Aitkin County Land Application of Domestic Septage Ordinance as amended and hereby adopted by reference.

SUBDIVISION 6 LICENSING REQUIREMENTS

6.10 SITE EVALUATORS, DESIGNERS, INSTALLERS AND PUMPERS. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of on-site sewage treatment systems in Aitkin County without first obtaining a license to perform such tasks from the MPCA and obtaining Registration from the Aitkin County Environmental Services Department.

6.20 LICENSE EXEMPTION. A license is not required for:

A. An individual who is constructing a system on land that is owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual based upon a design by a licensed designer. The system must be inspected before being covered and as-built plans submitted in accordance with part 4.20 of this SECTION. A certificate of compliance or notice of non-compliance will be issued by the Department;

B. An individual who performs labor or services under a license;

C. A farmer who pumps sewage waste from individual sewage treatment systems from dwellings that are owned or leased by the farmer and disposes of those wastes on land that is owned or leased by the farmer.

D. A property owner who personally gathers information, evaluates, or investigates the ISTS on or serving his/her property to provide a disclosure. A disclosure does not constitute a Compliance Inspection.

6.30 COMPLIANCE REQUIRED. Any person who conducts site evaluations or designs, installs, alters, repairs, reconstructs, extends, maintains, pumps, or inspects all or part of an ISTS in Aitkin County shall comply with the requirements of this SECTION and the appropriate portions of Minnesota Rules Chapter 7080. Any ISTS, irrespective of date of original installation, which is found to be in violation of this SECTION, shall be relocated, reconstructed or reinstalled so as to be in compliance with this SECTION.

SUBDIVISION 7 ENFORCEMENT

7.10 The Aitkin County Board of Commissioners and the Aitkin County Environmental Services Department are responsible for the Administration and Enforcement of this SECTION. Any person, firm, corporation or other entity who violates any of the provisions of this SECTION 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. The Aitkin County Environmental Services Department and the Aitkin County Sheriff shall have the power to enforce this SECTION by issuing citations for criminal violations of this SECTION upon the owners of a property and/or their agent. Aitkin County, through the Environmental Services Department may sue for injunctive relief on any violation, including restoration of the premises to its condition existing prior to the violation.

7.11 EACH DAY A SEPARATE VIOLATION. Each day a violation of this SECTION or each day that a failure to comply with any requirements of this SECTION continues shall constitute a separate offense.

7.12 PROSECUTION. The Department may enforce the provisions of the SECTION whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

7.13 CEASE AND DESIST ORDERS. The Department may issue cease and desist orders to halt the progress of any on-going violation. When any work has been stopped by the Department for any valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

- 7.14 DUTY TO ENFORCE.** It shall be the duty of the County Attorney and the County Sheriff to perform such duties as may be necessary to enforce the provisions of this SECTION.
- 7.15 AFTER-THE-FACT APPLICATIONS.** Any application for a permit which is made after the work is commenced and which requires a permit shall be charged a triple permit fee. In addition, the Department may require correction and/or restoration of the property concerned to its original state should the application for a permit be denied or if the action permitted does not include all or part of the work commenced prior to approval of said permit.
- 7.16 PERFORMANCE BOND.** Upon approval of a permit application, the Department may require a surety bond, cash escrow, certificate of deposit, securities, letter of credit or cash deposit prior to the issuing of a land use permit or initiation of work on the proposed improvements or development. Said security shall be irrevocable and shall guarantee conformance and compliance with the conditions of the permit or variance and this SECTION. Said performance bond is not for the licensing or registration of ISTS contractors.
- 7.17 INTERPRETATION.** In their interpretation and application, the provisions of this SECTION shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.
- 7.18 SEVERABILITY.** If any subdivision, clause, provision, or portion of this SECTION is adjudged unconstitutional or invalid by a court of law, the remainder of this SECTION shall not be affected and shall remain in full force.
- 7.19 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this SECTION to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this SECTION imposes greater restrictions, the provisions of this SECTION shall prevail. All other Ordinances inconsistent with this SECTION are hereby repealed to the extent of the inconsistency only.

SUBDIVISION 8. ADOPTION

THE AITKIN COUNTY INDIVIDUAL SEWAGE TREATMENT ORDINANCE NO.1 IS HEREBY ADOPTED BY THE AITKIN COUNTY BOARD OF COMMISSIONERS ON THIS

2 DAY OF July , 2002 .

**_____
CHAIRPERSON, AITKIN COUNTY BOARD OF COMMISSIONERS**

ATTEST:

EFFECTIVE DATE: July 2 , 2002

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