

Section 9.08 Sewage Treatment Standards.

A. Purpose and Intent: The purpose of the Sewage and Wastewater Treatment Section shall be to provide minimum standards for, and regulation of, sewage treatment systems and septage disposal. This includes the proper location, design, construction, operation, maintenance and repair of sewage treatment systems to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances. It is the intent of this section to systematically identify and upgrade failing sewage treatment systems to minimize environmental pollution of both surface and underground water supplies.

B. General Provisions

- (i) Prior to issuance of a permit, designs for the sewage treatment system must be submitted to the Department on forms provided by the county or on the MPCA/University of Minnesota Design Worksheets. All forms must be legible and contain all the required information.
- (ii) A permit is required to install, repair, alter, extend or rejuvenate any sewage treatment system in Todd County. This permit must be obtained, and the fee paid, at the Department prior to the installation, repair, alteration or extension of the sewage treatment system. This permit shall be valid for a period of twelve months from the date of issuance.
- (iii) Sewage Treatment system setback requirements apply to dwelling structures and not accessory structures.
- (iv) Prior to issuance of any conditional use permit, any variance, or a building permit to add one or more bedrooms to an existing dwelling, a sewer compliance inspection shall be required.
- (v) Prior to issuance of a building permit to add one or more bedrooms to an existing dwelling, the applicant must provide documentation from a licensed septic system designer that the existing sewer system is designed and sized for the addition of any bedrooms.
- (vi) Any sewage treatment system identified as an imminent health threat to public health and safety or failing to protect groundwater as described in 7080.1500 subp. 4 shall be issued a certificate of noncompliance. Copies shall be provided to the property owner and to the Department within 15 days of the date of the compliance inspection.
- (vii) Time lines for updating of non-compliant sewage treatment system:
 1. A sewage treatment system failing to protect groundwater shall be upgraded, replaced or its use discontinued within one year from the date of issuance of the Certificate of Noncompliance. If the system's use is discontinued, abandonment shall be conducted as described in Chapter 7080.2500.
 2. A sewage treatment system identified as imminent threat to public health or safety must be upgraded, replaced, repaired, or its use discontinued within ten months of the date of issuance of the Certificate of Noncompliance. If the system's use is discontinued, abandonment shall be conducted as described in Chapter 7080.2500.
- (viii) Surface discharge from a SSTS is prohibited unless issued a national pollution discharge elimination permit by the MPCA.
- (ix) All sewage generated in Todd County must be treated in a MPCA permitted facility or a system designed under Minnesota Rules 7080 and 7081 standards as adopted by this ordinance.
- (x) An ISTS must not be located in a floodway, and whenever possible, placement within any part of the floodplain should be avoided. If no alternative exists, a system is allowed to be placed within the flood fringe. All requirements of Chapter 7080.2270 apply.

- (xi) All Type IV and Type V and Midsized Subsurface Sewer Treatment systems require an operating permit.
- (xii) Septic systems that are not operated under a management plan must have septic tanks pumped and assessed no less than every three years.
- (xiii) All owners of new or replacement Class V injection wells as defined in Code of Federal Regulations, title 40, part 144, submit inventory information to the Environmental Protection Agency and the MPCA and that all Class V wells be identified as such in property transfer disclosures.
- (xiv) On all lots created after January 23, 1996, the sewage treatment system design must include at least one designated additional soil treatment area which can support a Type 1 soil treatment system.
- (xv) No person, company, corporation, or business shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site sewage treatment system without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency (MPCA), except as provided under 7083.0700.
- (xvi) All submitted sewer designs must include a management plan, signed by the property owner and the service professional, which describes who is responsible for maintenance of the system and the timeframe at which regular maintenance will be conducted.
- (xvii) On all new construction or upgrading of existing systems, manhole covers on septic tanks and inspection pipes in soil treatment areas shall extend to at or above the ground surface and shall be visible and accessible for the purpose of maintenance and inspection. If the system is located in a floodplain area, Rule 7080.2270 must be adhered to.
- (xviii) Minnesota Rule 7080.1720 subp. 4 modified to require a minimum of 2 soil observations (borings) for the design of each proposed soil treatment area ≤ 500 square feet in size. One additional soils observation (boring) is required for each additional 250 square feet of any treatment area. At least one boring must be taken at the lowest elevation directly adjacent to the treatment area.
- (xix) Percolation tests must be performed for soil sizing determinations. At least two percolation tests must be completed at each soil treatment area. Time and water drop measurements must be recorded on the design sheet. The slowest percolation rate in minutes per inch must be used to determine the soil sizing factor.

C. Septic System Types

- (i) **Type I Systems (Standard Systems)** are septic systems that utilize trenches, beds, mounds, at-grades, chambers, dual field or graywater systems and provide treatment of effluent strengths for most domestic strength waste. Standard systems must be placed on natural, undisturbed soils and installed in a manner that allows for at least 36 inches of vertical separation between the bottom of the systems distribution media and seasonally saturated soils or bedrock.
- (ii) **Type II Systems** are systems designed as holding tanks, privies and septic systems installed within floodplains.
- (iii) **Type III Systems** are systems that deviate from 7080.2210 to 7080.2240. A system built on fill or disturbed soil is an example of this type of system.

- (iv) **Type IV Systems** are systems that utilize registered treatment or pretreatment technologies in order to meet various treatment requirements that standard systems may not accomplish. These systems require operating permits.
- (v) **Type V Systems** are system associated with collector systems, treatment of high strength wastes, nutrient removal and groundwater mounding. These systems require operating permits.
- (vi) **Mid Sized Subsurface Sewage Treatment Systems** are systems designed to treat 5000 to 10,000 gallons of effluent per day. These systems require operating permits.

D. General Requirements for Type I Systems

- (i) Type I systems must be designed and installed as per 7080.1700 through 7080. 2240 with the following modifications referencing 7080 (2006 Rule):
 - 1) 7080 0110 (2006 Rule) may be used in lieu of 7080.1720
 - 2) 7080.0130 subp. 3 (2006 Rule) may be used in lieu of 7080.1930 subp. 1
 - 3) 7080.0150 (2006 Rule) may be used in lieu of 7080.2050
 - 4) 7080.0170 (2006 Rule) may be used in lieu of 7080.2150

E. General Requirements for Type II Systems

1) Holding Tanks

- (i) Holding tanks must meet or exceed the qualifications of 7080. 2290
- (ii) Holding tanks must be installed with manholes and inspection pipes raised at or above the ground surface unless installed in a floodplain area as described in 7080.2270. Manhole covers must be safely secured.
- (iii) Holding Tanks can be installed as a new system when:
 An upgrade to a failing sewage treatment system on a lot of record pre-existing this section when a soil treatment system cannot be installed due to lot size, topographic, or well setback limitations. For a dwelling classified as a primitive dwelling. The property owner must sign a form provided by the Planning & Zoning Department certifying that the dwelling meets all the requirements for classification of a primitive dwelling, that the sewage will be properly maintained and that if at some time the dwelling is to no longer meet the definition of a primitive dwelling, a complete drainfield will be installed prior to the change.
 All holding tanks shall have a minimum capacity of 1500 gallons and, if feasible, have multiple compartments for the purpose of installing a lift pump if a drainfield area becomes available. A monitoring and disposal contract signed by the owner and a licensed maintainer must be submitted before a permit is issued. The contract must guarantee the removal of the tank contents prior to overflow or any discharge to the ground surface or backup into the home and be submitted as part of the permit application.
 Property owners with holding tanks shall retain records of all pumping and shall submit pumping records or other evidence to show that the system is being properly maintained when requested by the Department.

2) Privies

- (i) Privies must meet or exceed the qualifications of 7080.2280
- (ii) May only be used for dwellings defined as primitive dwellings
- (iii) All applications to construct a privy shall include a design prepared by a State-licensed designer.

- (iv) The installation of privies shall be inspected according to the provisions in this section for new systems.

3) Systems in Floodplain Areas

- (i) Systems must meet or exceed the qualifications of 7080. 2270.

F. General Requirements for Type III Systems

A system that deviates from the requirements in parts 7080.2210 to 7080.2240 is a Type III system. Deviations from the standards in parts 7080.2210 to 7080.2240 must be submitted to the county for approval or denial. However, no deviation is allowed from the following and at a minimum, a Type III system must:

- (i) employ design flow values in parts 7080.1850 to 7080.1885
- (ii) meet technical requirements of part 7080.2050
- (iii) meet the requirements of 7080.1900 to 7080.2030 except 7080.0130 subp. 3 (2006 Rule) may be used in lieu of 7080.1930 (2012 Rule) for determination of the liquid capacity of septic tanks.
- (iv) meet the requirements of part 7080.2100 with mound and at-grade systems required to have pressure distribution.
- (v) 7080.0170 (2006 Rule) may be used in lieu of 7080.2150 regarding rapidly permeable soils and loading rates.

G. General Requirements for Type IV System

- (i) Refer to 7080.2350

H. General Requirements for Type V Systems

- (i) Refer to 7080.2400

I. General Requirements for Midsized Subsurface Sewage Treatment Systems

- (i) Refer to 7081

J. Compliance Inspections

(i) Compliance inspections conducted on existing systems shall require at least one soil boring for the purpose of issuing a certificate of compliance on a drainfield. Borings must be conducted adjacent to the lowest elevation of the soil treatment area. If the soils in the treatment area have been verified and documented, i.e. soil investigations logs previously completed and by two licensed septic professionals, no soil borings are required. Septic tanks must be pumped and visually inspected through the manhole cover. A copy of the pumping receipt shall be submitted with the compliance inspection report.

(ii) For sewage treatment systems constructed after March 31, 1996, or in a shoreland area/ wellhead protection area/serving food, beverage, or lodging establishments (SWF area), at least three feet of vertical separation distance is required. The Director may allow up to a 15 percent reduction in this distance as per Rule 7080.1500 subp. 4 D.

(iii) For sewage treatment systems constructed before April 1, 1996 in areas that are not SWF, at least two feet of vertical separation distance is required. There is no allowance for a 15 percent reduction in vertical separation for these systems.

(iv) Periodically saturated soil disagreements between disputing parties must follow the procedures outlined in 7082.0700 Subp. 5

- (v) Compliance inspections of existing sewage treatment systems must be completed on forms provided by Todd County. Compliance inspections must be completed by an Inspector/ Designer that is licensed to inspect that particular system size and type. If sewage treatment system is issued a “Compliant” status, it is good for three years from the date of the inspection.
- (vi) Prior to the sale or transfer of any property in Todd County, the sewage treatment system must have a compliance inspection unless a valid certificate of compliance is on file with the county.
- (vii) A paid receipt and a signed, written agreement (winter agreement) between a licensed inspector and the applicant may be submitted in lieu of a compliance inspection for property transfers and for permit applications between November 15 and April 15. The signed winter agreement must ensure that a compliance inspection be completed by the following June 1 and the applicant submits a certificate of compliance within 30 days of the inspection. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this ordinance.
- (viii) Upon submittal of a recorded easement or other binding legal agreement relating to system location and maintenance a group of property owners may install a community septic system without setbacks to internal property lines.
- (ix) Building setbacks for a sewage tank or an absorption area shall be measured to the foundation of a dwelling or any structures attached to the dwelling (including, but not limited to, open decks, porches, entryways and bay windows).

K. Inspection Requirements

- (i) New construction, repair, or replacement: All new repaired or replaced sewage treatment systems must be inspected by Todd County Inspectors. No part of the system may be covered until the inspector has finished the onsite inspection. It is the responsibility of the sewage treatment system contractor to notify the Department for inspections. Todd County will conduct the onsite inspection within 24 hours of the time of notification during normal business hours, Monday - Friday (excluding holidays). A Designated Registered Professional (DRP) must be onsite at the time of inspection. Onsite inspections are to verify the sewage treatment system are constructed to 7080 through 7083 (As Adopted) standards. The inspection is not meant to be a guarantee or warranty that the system will function for any specific time period.
- (ii) Re-inspections: If new, repaired or replaced sewage treatment systems are not constructed to 7080 through 7083 (As Adopted) standards, the contractor must correct the deficiencies and notify Todd County for a re-inspection. Contractors responsible for correcting the deficiencies must pay the re-inspection fee as set by the Todd County Board of Commissioners.
- (iii) Protocol for Inspections Not Made in a Timely Manner: If for unforeseen reasons Todd County inspectors cannot make the required inspection within the 24 hour time period, the contractor must provide Todd County with accurate measurements from the closest point of the tank and drainfield to: occupied building, nearest well, nearest property line, road right-of-way, lake, and, three photographs: one of the tank and two of the drainfield. Other pertinent information will be obtained in a discussion between the inspector and contractor.

L. Nonconforming Sewage Treatment System - upgrading requirements. A sewage treatment system not meeting the minimum requirements of Minnesota Rules Chapter 7080 through 7083 (As Adopted) must be upgraded, at a minimum, upon any of the following:

- (i) Upon approval of a Conditional Use Permit.

- (ii) Upon approval of Variance Permit.
- (iii) The issuance of a permit to establish a dwelling
- (iv) Prior to the sale or transfer of any property in Todd County, the sewage treatment system must have a compliance inspection unless a valid certificate of compliance is on file with the county. If not found in compliance, the system must be:
 - 1) Brought into compliance prior to transfer of property OR,
 - 2) The seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of a fully compliant sewage treatment system, as defined in Minnesota Rule 7080 through 7083 (as adopted by this ordinance). The escrow amount shall be equal to 150 percent of a written estimate from a licensed and certified sewage treatment system installer or 110 percent of a written contract price provided by a state licensed and certified sewage treatment system installer. A copy of the estimate or contract shall be provided to the Department along with a copy of the escrow agreement prior to the property transfer. The system must be updated in accordance with Section 9.08(iii), OR
 - 3) System discontinued for use per Section 9.08 (iii).

M. Administrative variances

A property owner or their designated representative may request a variance from the setback requirements of this section through application to the Planning & Zoning office. The Director shall have the authority to grant variances only under the following conditions:

- (i) When there are unique conditions present on the property due to lot size, layout, shape, topography, soil conditions or other circumstances preventing the applicant from meeting the requirements through no fault of their own;
- (ii) When the variance request is related to a setback from structures on the same property;
- (iii) When the variance request is related to an ordinary high water setback, provided that the variance shall not result in any part of the system being within a shore or bluff impact zone;
- (iv) If the variance request is related to a side property line or a road right-of-way setback, when the Director receives written support of the variance from the affected adjoining property owner or road authority signed by a notary public;
- (v) When the variance request involves placing the septic system completely or partially within an adjacent property or road right-of-way, provided that the applicant and relevant landowner or road authority provides documentation of a recorded easement or other legally binding agreement for such purposes to the Director and is subject to approval by the County Attorney. The easement must be permanent or run for the life of the system;
- (vi) That the variance request will not reasonably be expected to adversely affect public health or safety or create an environmental hazard;
- (vii) If any of the above conditions cannot be met, the variance request must be granted only by the Board of Adjustment.

N. Septic System Setbacks

Setback Standards	GD General Devel. Lakes	RD Rec. Devel. Lakes	NE Natural Enviro. Lakes & Rivers	RDL Recreational Development Limited & Sylvan Shores	All Other Zoning
Setback For					
Sewage Tank to the Ordinary High Water Mark of the lake (OHWM)	50 ft	75 ft	150 ft	75 ft	Na
Soil Treatment Area to OHWM	75 ft	100 ft	150 ft	100 ft	Na
Side property line to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10ft
Rear property line (without road frontage) to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft
County or Twp road right-of-way to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft.
Sewer tanks to dwelling structure	10 ft	10 ft	10 ft	10 ft	10 ft
Drain field to dwelling structure	20 ft	20 ft	20 ft	20 ft	20 ft
Septic tank to well	50 ft	50 ft	50 ft	50 ft	50 ft
Septic drainfield to well (> 50 ft deep well)	50 ft	50 ft	50 ft	50 ft	50 ft
Septic drainfield to well (< 50 ft deep well)	100 ft	100 ft	100 ft	100 ft	100 ft