

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
JUNE 17, 2014

The Faribault County Board of Commissioners met pursuant to the recess of June 3, 2014 at the Courthouse in the City of Blue Earth at 2:00 p.m. on June 17, 2014. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. Auditor-Treasurer-Coordinator John Thompson and County Attorney Troy Timmerman were also present.

The meeting was called to order by Chair Loveall.

The pledge of allegiance was recited.

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Young/Warmka motion carried unanimously to approve the synopsis and official proceedings of the June 3, 2014 regular meeting.

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Groskreutz/Warmka motion carried unanimously to approve the agenda of June 17, 2014.

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Calendar was updated. No member of the public appeared during public comment.

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Committee reports were given. Groskreutz reported on corrections advisory, transit, and Minnesota River Congress; Young reported on solid waste committee; Roper reported on transit; Warmka reported on Extension interviews, tax forfeited land tour, and corrections; and Loveall reported on Region 9 and planning and zoning.

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Recorder Sherry Asmus met regarding office business.

Warmka/Roper motion carried unanimously to approve supporting the effort to retain UCC filings at the local level and the Recorder sending letters to local and state officials on behalf of the County Board.

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Prairieland Solid Waste Coordinator Billeye Rabbe met regarding office business. A solid waste report was presented.

Roper/Groskreutz motion carried unanimously to approve the payment of Prairieland bills in the amounts of \$67,294.81.

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Extension Regional Director LuAnn Hiniker, Interim 4-H Program Coordinator Michelle Klinkner, and 4-H Summer Intern Katie Ovrebo met regarding office business.

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Larry Majeski and Rick Baird of the Wells Lion Club met to discuss the possibility of using a forfeited tax parcel for a park in Wells.

Warmka/Young motion carried unanimously to approve working with the City of Wells to sell the forfeited tax parcel of the former dry cleaner site to the City for a Lion's Park.

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Public Works Director John McDonald met regarding office business. A construction update was provided.

Groskreutz/Warmka motion carried unanimously to accept the quote of \$10,494.20 from H&R Construction Company of Dalton to repair the guard rail on CSAH 16 that was damaged due to an accident.

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Sheriff Mike Gormley, Chief Deputy Scott Adams, and Central Services Director Dawn Fellows met regarding resource officer proposal with the Blue Earth Area School District.

Young/Roper motion carried unanimously to assign a full-time school resource officer and enter into an agreement with Blue Earth Area School ISD #2860 that the school will pay 9 months of the cost of an entry level officer and expenses.

Roper/Young motion carried unanimously to authorize the county attorney to develop a contract for animal control purposes for participating entities.

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Central Services Director Dawn Fellows met regarding office business.

Groskreutz/Roper motion carried unanimously to approve the Faribault County Data Practices Policy as presented.

Roper/Young motion carried unanimously to approve hiring Candace Jansen of Elmore as part-time dispatch/jailer and Joyce Frazier of Winnebago as part-time transit driver.

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Soil and Water/Planning and Zoning Program Administrator Michele Stindtman met regarding office business. A public hearing was held on the Faribault County Septic Ordinance. No member of the public appeared to make comments.

Warmka/Young motion carried unanimously to adopt Resolution 14-PZ08-27 amending Section 23 – Subsurface Sewage Treatment Ordinance (SSTS) of the Faribault County Zoning ordinance. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**RESOLUTION**

**WHEREAS,** Section 23: Subsurface Sewage Treatment System Ordinance (SSTS) of the Faribault County Zoning Ordinance that was adopted on June 19, 2014 is repealed in its entirety; and

**NOW, THEREFORE BE IT RESOLVED,** that the Faribault County Board of Commissioners adopts the following Section 23 – Subsurface Sewage Treatment Ordinance (SSTS) of the Faribault County Zoning ordinance:

**Section 23 – SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE (SSTS)**

**SECTION 1 - TITLE**

The title of this ordinance is the Faribault County Subsurface Sewage Treatment System (SSTS) ordinance.

**SECTION 2 - PURPOSE**

The purpose of the Subsurface Sewage Treatment System Ordinance shall be to provide minimum standards for and regulation of Subsurface Sewage Treatment Systems (SSTS) including the proper location, design, installation, use, and , maintenance within Faribault County. This Ordinance outlines the responsibility of Faribault County and property owners as it pertains to MN Statutes 115.55 and MN Rules Chapters 7080 thru 7083.

**SECTION 3 - JURISDICTION**

The regulations of this ordinance shall apply to all the area of Faribault County outside the incorporated limits of municipalities unless authority has been delegated.

#### SECTION 4 - INTERPRETATION

Faribault County's goal is to protect public health, safety, and general welfare by the discharge of adequately treated sewage to groundwater pursuant to the authority granted under MN Statutes Chapter 115.55, 145A.01 thru 145A.08, 375.51 and MN Rules Chapters 7080, 7081, 7082, and 7083, as amended, that may pertain to sewage and wastewater treatment.

Faribault County hereby adopts by reference MN Rules Chapter 7080 thru 7083 in their entirety now constituted and as amended from time to time. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with MN Statute 115[CV1].55.

Faribault County requires any persons, businesses, firms, or corporations providing designs, performing installations, performing inspections, or providing maintenance to possess an appropriate and valid license or licenses issued by the State of Minnesota unless exempted by MN Rules Chapter 7083.0700.

#### SECTION 5 - DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and facilitate the most reasonable application of the ordinance as amended.

**Agency** – Pollution Control Agency

**Applicant** - Individual or entity applying for a permit under Section 23

**As-Built** - Drawings and documentation specifying the final in-place location, size, and type of system components.

**Certificate of Compliance** - A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

**Class V Injection Well** - A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or non-sewage from a two-family dwelling or greater or receive sewage or non-sewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited[CV2].

**Compliance Inspection** - An evaluation, investigation, inspection, or other such process for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

**County** – Faribault County

**County Board** - The Faribault County Board of Commissioners

**County Loan Program** – Loan program available to qualifying Faribault County property owners which provides funding to upgrade SSTS administered by County Commissioners.

**Delay of SSTS Construction Form** – Legal document which delays construction and permit requirements during winter months. This document provides specific dates when criteria must be met regarding SSTS compliance and must be signed by affected property's legal owner.

**Department** - The Faribault County Planning and Zoning Department, or other entity designated by the County Board to administer and implement the SSTS program.

**Existing Structures** – Any completed or partially completed structure that existed prior to June 19, 2007 and can be verified by the Department through documentation, photography, or other methods deemed acceptable by the Department[CV3].

**Failing** - Systems that fail to meet groundwater separation requirements, or have not received proper maintenance.

**ISTS** – Individual Sewage Treatment System.

**ITPHS** - Imminent Threat to Public Health or Safety.

**Management Plan** – A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge[CV4].

**MPCA** - Minnesota Pollution Control Agency

**MSTS** - Midsize Sewage Treatment System

**New Structures** - Any completed or partially completed structure that did not exist prior to June 19, 2007 which can be verified by the Department through documentation, photography, or other methods deemed acceptable by the Department[CV5].

**Noncompliant** – Any Subsurface Sewage Treatment System which cannot receive a valid Certificate of Compliance.

**NPDES** - National Pollution Discharge Elimination System.

**Operating Permit** – Department issued permit, based on manufacturer recommendations and understood best management practices, for the operation and maintenance of SSTS components[CV6].

**Ordinance** - Refers to Section 23 of the Faribault County Zoning Ordinance.

**Owner** - Person who owns property or their legal agent.

**Permittee** - Person who is named on a permit issued pursuant to local ordinance.

**Private Septage Storage** – A secondary storage facility utilized for the purpose of temporarily collecting septage resulting from maintenance activities offsite.

**Property Transaction Form** – Faribault County Document disclosing the condition of any SSTS on properties of which ownership is being transferred.

**Scarification** – Refers to the act of roughening the absorption area preparing for the installation of an At-Grade or a Mound system.

**Scum** - Layer of soap, grease, and undigested food, which form in the upper layer of a properly functioning septic tank.

**Septic Permit Application** – Submittal of documentation and approved forms for review by the Department requesting the approval of a Septic (SSTS) Permit.

**Septic Permit** – Faribault County document issued by the Department allowing the construction or modification of an approved SSTS.

**Septage** - Solids and liquids removed from an SSTS.

**Sludge** - Layer of heavy material, in the lower level of the tank that cannot be broken down by the bacteria.

**Straight Pipe** – Sewage disposal system that transports raw or partially settled sewage directly to a lake or stream, to a drainage system, or onto the ground.

**Structural Improvement** - An improvement to a property that requires a permit to alter a structure's height and/or footprint including the building of a new structure.

**SSTS** - Subsurface Sewage Treatment System

**SWF-** SSTS in shoreland areas or wellhead protection areas or systems serving food, beverage, or lodging establishments.

**System Types –**

**Type I** – *ref* MN Rules Chapter 7080.2200

**Type II** – *ref* MN Rules Chapter 7080.2250

**Type III** – *ref* MN Rules Chapter 7080.2300

**Type IV** – *ref* MN Rules Chapter 7080.2350

**Type V** – *ref* MN Rules Chapter 7080.2400

**Zoning Ordinance** – Faribault County Zoning Ordinance

## **SECTION 6 - REGULATORY ADMINISTRATION RESPONSIBILITIES**

### **Subdivision 1 County Administration**

The Faribault County Planning and Zoning (Department) shall administer the SSTS program and all provisions of this section. At appropriate times, the County shall review, revise, and update this section as necessary. The County shall employ adequate personnel to properly conduct SSTS technical and administrative functions as required by MN Rules Chapter 7082.0040. The Department shall administer and implement all record keeping requirements as outlined in MN Rules Chapter 7082.0500, Subp.4.

### **Subdivision 2 Cities and Townships**

Cities and Townships with SSTS ordinances must effectively administer and enforce an ordinance that conforms with chapter MN Rules Chapters 7080 thru 7083 and is administratively and technically as strict as the county ordinance. Other options available are described in part MN Rules Chapter 7080.0050.

### **Subdivision 3 State of Minnesota**

It is the states responsibility for providing the framework for local SSTS ordinances along with providing minimum administrative procedure or strategies to ensure effective permitting and inspection of SSTS. State of Minnesota permits systems which are identified as having large flows, these systems are subject to the requirements of MN Rules Chapter 7081.0040.

## **SECTION 7 - GENERAL REQUIREMENTS**

### **Subdivision 1 General Requirements for Subsurface Sewage Treatment System (SSTS)**

1. Discharge of sewage without NPDES permit issued by MPCA will be considered an ITPHS and is prohibited.
2. An SSTS that is determined to be an ITPH in accordance with MN Rules Chapter 7080.1500 shall be upgraded, replaced, repaired, or discontinued within ten (10) months after the owner received a notice of noncompliance.
3. Identified Failing systems shall be brought into compliance within ten (10) months of identification[CV7].

4. All SSTS not in compliance with this Ordinance and MN Rules Chapters 7080 and 7081 shall be brought into compliance prior to issuance of any permit or variance related to the site unless listed as exempt in Section 8 Subp. 3 of this Ordinance.
5. Systems identified by Transfer of Property shall be brought into compliance within ten (10) months except in the case of an exempt transaction, see Section 13.
6. Publicly owned sewer systems shall be utilized when available.

#### **Subdivision 2 Seepage Pits, Drywells, and Leaching Pits**

Seepage Pits, Drywells, and Leaching Pits are regulated by MN Rules Chapter 7080.2550 and Faribault County adopts no alternative standards to allow their continued use.

#### **Subdivision 3 Abandonment**

Abandonment or removal of all SSTS, or any part thereof, that will no longer be used, shall be in accordance with MN Rules Chapter 7080.2500[CV8], system abandonment. The person or business abandoning the system must complete and sign a record of abandonment that states the system was abandoned accordingly. The record must be sent to the Department within ninety (90) days of abandonment.

#### **Subdivision 4 Access to Premises and Records**

Upon the request of the Department the applicant, permittee, owner, or an agent of the owner, shall allow access to the affected premises as well as any related records for the purposes of regulating and enforcing this ordinance.

#### **Subdivision 5 Interference Prohibited**

No person shall hinder or otherwise interfere with the Department in the performance of their duties and responsibilities pursuant to this ordinance. 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.

#### **Subdivision 6 Property Owners Doing Their Own Work**

Whenever allowable by this ordinance, property owners may install their own SSTS on owned property serving as their primary residence providing a licensed designer designs the system. Property owners are prohibited from altering an approved design during installation unless approved by the designer and the Department. Any unapproved alterations shall cause the permit to be revoked. The designer is responsible to provide supervision to ensure proper application of their design. Failure to provide supervision shall cause the permit to be revoked until such time that issues are resolved with the Department. The designer shall provide a signed As-Built to the Department upon completion. Property owners doing their own work shall notify the Department before installation of a SSTS and comply with this ordinance.

#### **Subdivision 7 Fees**

The County Board shall establish, by resolution, fees for activities required by this ordinance. If SSTS work commenced prior to obtaining the required permit, the fee shall be doubled unless the Department deems work necessary to negate an imminent threat to public health or safety. Fees are due and payable at the time of permit application. Fees are non-refundable either in whole or in part unless otherwise authorized by the Department.

## **SECTION 8 - PERMITTING**

No person, business, firm, or corporation shall construct, install, modify, replace or operate an SSTS in Faribault County without first obtaining a septic permit from the Department.

Such permits shall only be obtained by the owner or an agent of the owner. The purpose of this septic permit is to ensure that the proposed construction is done in accordance with MN Rules Chapters 7080 thru 7083 by an appropriately certified and/or licensed individual or business.

A copy of the permitted design shall be available at the work site until such work is completed by the permittee and approved by the Department[CV9].

### **Subdivision 1 Activities Requiring a Septic Permit**

1. New Construction
2. Replacement of an existing SSTS
3. Repair or Replacement of components that will alter the original function of the system
4. Change in the treatment capacity
5. Change in the location
6. Any change to the original systems design, layout or function

### **Subdivision 2 Activities Not Requiring a Septic Permit**

1. Repair or replacement of pumps, floats, baffles, manholes, risers, effluent filters, other electrical devices or actions upon approval by the Department.
2. Maintenance of sewage tanks.

### **Subdivision 3 Building and Zoning Permits**

All applications for Building Permits and/or Zoning Permits shall submit documentation demonstrating compliance with all applicable standards of MN Rules Chapters 7080 thru 7081, Section 23 of the Faribault County Zoning Ordinance, or a completed application for a Septic Permit.

1. Exemptions:
  - a. Tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
  - b. Existing dwelling(s) or other building(s) that are not habitable, based upon documentation submitted by the owner(s) to the Department.
  - c. Any dwelling(s) or other building(s) with running water are connected to a municipal wastewater or treatment system.

- d. Non-Structural improvements to the property not requiring a Building or Zoning Permit.
- e. County issued Delay of SSTS Construction Form is signed by the owner, and approved by the Department.

#### **Subdivision 4 Septic Permit Application Requirements**

Septic Permit Applications are not transferrable and shall be made on forms provided by the Department. The application shall include, but is not limited to, the following information:

- a. All Sections of the Septic Permit Application Form.
- b. Field Evaluation Worksheet, including required soils information. (Soils observations reviewed by the Department are valid for the duration of the permit or a maximum of twenty-four (24) months.)
- c. Newly developed sites must identify a viable alternate SSTS location in addition to a proposed primary location.
- d. Management Plan as required in part by MN Rules Chapter 7080.1100, subparts 51 and 66[m10].
- e. Operating Permit application is required for a Type IV or Type V system.
- f. [CV11] [CV12] Additional information required by the Department to ensure compliance of this ordinance, and MN Rules Chapters 7080 thru 7083.

#### **Subdivision 5 Septic Permit Application Approval**

The Department shall notify the SSTS designer and/or installer once a Septic Permit Application and site specific design is approved and a Septic Permit will be issued.

A Septic Permit must be approved before installation can commence[CV13].

#### **Subdivision 6 Septic Permit Application Denial**

The Department may deny any Septic Permit Application for failure to comply with this ordinance, or other pertinent ordinances. Written notice stating reason for denial shall be mailed to the applicant, licensed designer, installer, and County Commissioner of the district. The permit application may be revised or corrected and resubmitted to the Department.

#### **Subdivision 7 Septic Permit Suspension or Revocation**

The Department may revoke or suspend any Septic Permit for failure to comply with this ordinance or other pertinent ordinances. Written notice stating reason for revocation shall be mailed to the permittee, licensed designer, installer, and County Commissioner of the district.

Permits can be revoked or suspended for, but not limited to, the following reasons:

1. Septic permit issued based upon erroneous or inaccurate data supplied by the permittee or licensed designer.

2. Unapproved alteration of the site or design by the permittee, licensed designer, and/or installer without prior approval of the Department.
3. Re-interpretation of rule by MPCA or the Department.

Septic permits shall be revoked or suspended until such time that issues are resolved with the Department.

### **Subdivision 8 Septic Permit Expiration**

The septic permit is valid for a period of one (1) year from its date of issue.

An extension to permit expiration can only be authorized by the Department.

## **SECTION 9 - DESIGN STANDARDS**

SSTS must be designed in accordance with MN Rules Chapters 7080, 7081, and this ordinance.

Designs submitted to the Department shall be of sufficient detail and to scale as to allow adequate review for compliance by the Department.

Type IV and Type V SSTS designs are allowed only by approval of the Department.

Holding Tanks must meet requirements for MN Rules Chapter 7080.2290. Holding Tank designs shall include a buoyancy calculation based on soil observations and a signed monitoring and disposal contract[CV14].

Privies must meet the design requirements of MN Rules Chapter 7080.2280 and are not allowed in floodplains.

A licensed designer is responsible to develop a management plan for all SSTS[CV15].

If applicable, a licensed designer is responsible to develop a operation plan and obtain an operating permit from the Department.

### **Subdivision 1 Acceptable and Prohibited Discharges**

Discharges to an ISTS are limited by MN Rules Chapter 7080.1550.

Discharges to a MSTS must meet the requirements of MN Rules Chapter 7080 and 7081.

### **Subdivision 2 Evaluations**

1. New Structures
  - a. All SSTS sites shall be identified before construction activities begin and be staked and fenced to prevent construction traffic from altering soil conditions. If construction traffic

results in alteration of the soils, a revised design and septic permit application proposing another site shall be submitted to the Department along with the soils data and required fees.

b. [CV16]SSTS designs are not allowed in floodplains.

2. Existing Structures

a. The primary SSTS site for existing construction shall be adequately marked or fenced to keep the area secure until the system is installed. If construction traffic results in alteration of the soils, a revised design and Septic Permit Application proposing another site shall be submitted to the Department along with the soils data and required fees.

b. All SSTS designed for installation in Floodplains must meet the requirements of MN Rules Chapter 7080.2270[CV17].

**Subdivision 3 Design Variances**

An affected property owner or designated representative may request a setback variance from the specific design requirements. The Department shall have the authority to grant variances when the purposes and intent of the variance are consistent with this ordinance, Faribault County's Zoning Ordinance, and the Faribault County Comprehensive Local Water Management Plan.

No variance shall be granted except under the following circumstances:

1. That there are unique conditions affecting the property as a result of lot size, layout, shape, topography, soil conditions or other circumstances which the landowners have no control of.
2. Variance approval shall not adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or damaging to property or improvements in the area adjacent to the property of the applicant, and that granting of the variance will not adversely impact water quality.

Variances directly related to setbacks to adjacent properties shall follow variance procedure outlined in the Faribault County Zoning ordinance.

Variances pertaining to well setbacks are governed by MN Rules Chapters 4720 and 4715 and may only be approved by the Minnesota Department of Health.

**Subdivision 4 Flow Determination**

Flows for ISTS are determined by MN Rules Chapters 7080.1850, 7080.1880, 7080.1885, or any combination thereof.

Flows for MSTs are determined by MN Rules Chapter 7081.0110.

### **Subdivision 5 Sewage Tanks**

Sewage tanks must be sized in accordance to MN Rules Chapters 7080 and 7081.

Sewage tanks for new structures shall be limited to the maximum depth certified by manufacturer and no more than six (6) feet from final **grade[CV18]**.

All designs requiring/utilizing multiple compartmented tanks or multiple tanks must employ an effluent screen with an **alarm[CV19]** device

### **Subdivision 6 Distribution System**

Distribution of effluent must conform to MN Rules Chapter 7080.2050.

Systems classified as MSTs must meet the requirements of MN Rules Chapter 7080.2050 and 7081.0250.

### **Subdivision 7 Final Treatment**

All Type I, II, and III SSTS designs will be based on MPCA soil texture and structure Table IX values, or standard soil sizing values acceptable to the **Department[CV20]**.

## **SECTION 10 - SYSTEM MANAGEMENT**

### **Subdivision 1 Management Plans**

The licensed designer is responsible to develop management plans for all ISTS and MSTs prior to issuance of a permit by the Department.

### **Subdivision 2 Operating Permits**

Type IV and Type V systems must receive an operating permit from the Department prior to system **installation[CV21]**.

## **SECTION 11 - INSPECTIONS FOR NEW CONSTRUCTION**

### **Subdivision 1 Compliance Inspections for New Construction, Repair, or Replacement**

It is the Department's responsibility to inspect new and replacement SSTS construction, repair, and replacement in accordance with MN Rules Chapter 7082.0700.

It shall be the responsibility of the installer that the entire system is installed in strict accordance with the design as approved by the Department. Installation inspections shall be made by the Department prior to any work being covered by backfill.

Inspections or evaluations may be specified for the repair, replacement of an existing system, or construction of a new system at the time the SSTS permit is issued.

These requirements shall be provided by the Department to the installer at the time the permit is issued.

If the system is not or cannot be constructed as designed, it shall be the responsibility of the installer to inform the designer and the Department. If proposed changes are approved by the designer and the Department it shall be the responsibility of the installer to submit new or amended designs to the Department before completing construction.

1. General construction inspection requirements:

- a. Above Ground Systems[CV22]
  - i. When sewage tanks are installed
  - ii. When construction material is delivered
  - iii. Before scarification is covered.
  - iv. When installation is completed.
- b. Below Ground Systems[CV23]
  - i. When sewage tanks are installed
  - ii. After placement of the distribution medium but prior to cover.
  - iii. When installation is completed.
- c. Holding Tanks
  - i. When sewage tanks are installed
  - ii. When installation is completed.

Work which is backfilled prior to a required inspection may be ordered to be uncovered whenever necessary to determine compliance.

The installer is required to make an As-Built of the SSTS and keep this record for a minimum of five (5) years.

Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, installing, or repairing any SSTS.

## **Subdivision 2 Certificate of Compliance**

Upon completion of construction a final inspection shall determine compliance with 7080, 7081, and design detail of Septic Permit. After the final inspection, a Certificate of Compliance will be issued by the Department. [m24]

If the Department is unable to complete an inspection, it shall be the responsibility of the licensed installer to take photographs of each phase of the installation. A Certificate of Compliance will not be issued until the Department has reviewed and approved the installation photographs.

All documentation including As-Built , Soil Boring Logs, Maintenance Plans, and SSTS abandonment[CV25] record (if applicable) shall be submitted to the Department prior to the issuance of a Certificate of Compliance.

Certificates of compliance for new construction or a replacement system remain valid for five (5) years from the date of issuance unless the Department finds evidence of noncompliance. MN Rules Chapter 7082.0700 Subp.3

## **SECTION 12 - INSPECTIONS FOR EXISTING**

### **Subdivision 1 Compliance Inspections for Existing SSTS**

All inspections are required to be completed by a licensed inspector and shall be submitted on an MPCA compliance form, as amended.

Certificate of Compliance or Notice of Noncompliance provided to the property owner shall be submitted to the Department within fifteen (15) days of the inspection.

Inspection Requirements:

- a. All existing SSTS shall meet the requirements of MN Rules Chapter 7080.1500[CV26].
- b. SSTS built after March 31, 1996 and not serving an “SWF” may allow for a reduction in vertical separation not to exceed 15[CV27] %.

### **Subdivision 2 Disagreements**

The Department shall arbitrate any disputes between SSTS professionals, SSTS owners, or any combination of the above.

Soil dispute resolution shall follow guidelines in MN Rules Chapter 7082.0700 Subp. 5[CV28].

### **Subdivision 3 Certificate of Compliance**

Certificate of Compliance issued as a result of a completed compliance inspection of an existing SSTS shall be valid for three (3) years unless the Department finds evidence of noncompliance.

## **SECTION 13 - PROPERTY TRANSACTIONS**

A completed SSTS Property Transaction Form, along with any required attachments, shall be provided by the seller to the buyer at or before closing.

A completed SSTS Property Transaction Form along with any required attachments shall be filed with the County Auditor.

Inspections conducted to determine SSTS compliance for the disclosure as required by MN Statute 115.55, subp. 6, amended from time to time, must be completed by a business or individual licensed in accordance with MPCA rules and regulations.

If a Certificate of Compliance is indicated, it shall be included with the SSTS Property Transaction form.

Documentation demonstrating compliance with all applicable standards of MN rules Chapter 7080/7081 and this ordinance shall be submitted to the Department.

Owners with systems that are considered to be a Class V Injection Well, shall submit appropriate information as required by the EPA.

All lots created after January 23, 1996 shall have a minimum of two (2) soil treatment and dispersal areas that can support either trenches, seepage beds, mounds, or at-grade systems as described in MN Rules Chapters 7080.2200 thru 7080.2230 or site conditions described in MN Rules Chapter 7081.0270, Subp.3 through 7[CV29].

In the event that one of the exemptions apply; the SSTS Property Transaction Form shall indicate the specific exemption and be signed by both parties to the transaction.

### **Subdivision 1 Exemptions:**

A Compliance Inspection need not be completed if the sale or transfer involves the following circumstances:

1. Tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
2. The existing dwelling or other building(s) are not habitable, based upon documentation submitted by the owner(s) to the Department.
3. The transfer is a foreclosure or tax forfeiture.
4. A refinance of a property.
5. The sale or transfer completes a Contract for Deed entered into prior to June 19, 2007. This division applies only to the original vender and vendee on such a contract.
6. All dwellings or other buildings with running water are connected to a municipal wastewater or treatment system.
7. Any transfer that does not require a Certificate of Real Estate Value (CRV).

## **SECTION 14 - MAINTENANCE AND REPAIR**

### **Subdivision 1 Maintenance**

The owner of any SSTS shall have their septic system maintained to the minimum standard of MN Rules Chapter 7080.2450 in addition to any additional management plan requirements provided to the Department at issuance of permit.[CV30]

Maintenance of sewage tanks should only be done by an MPCA licensed professional.

Farmers[CV31] may only maintain sewage tanks on owned homesteaded property that serves as their primary residence.

Maintenance records shall be maintained by the owner of the system. The owner may choose to have the records maintained by the Department and retains the responsibility of providing records to the Department.

### **Subdivision 2 Repair**

The owner of any SSTS shall be responsible to repair and maintain the system in accordance with MN Rules Chapters 7080 and 7081.

Written management plans shall be required for new and replacement SSTS by the Department[CV32].

Repairs are not allowed on non-compliant SSTS.

## **SECTION 15 - SEPTAGE**

### **Subdivision 1 Removal of Septage**

All septage removed from sewage tanks shall be removed from the site in sealed containers and shall be disposed of in accordance with state, federal, and local requirements. Handling and disposal of septage shall meet Chapter 40 Code of Federal Regulations pt.503, as amended.

Land application of septage shall meet setback requirements identified in the Faribault County Feedlot Ordinance for the application of manure, as amended.

Septage may be disposed of in a municipal sewage treatment plant only with the authorization of the plant operator. The government entity owning such a plant may also require a permit or other written authorization before disposal of septage at their facility.

### **Subdivision 2 Private Septage Storage[CV33] Structures**

Private storage structures intended for the storage of septage shall meet the minimum requirements of MN Rules Chapters 7080.1910 thru 7080.2020.

Sizing of structures are limited by MN Rules Chapter 7081.

Structures shall meet the minimum separation setbacks for manure storage structures as outlined in the Faribault County Feedlot Ordinance, as amended.

All sites shall obtain a Conditional Use Permit (CUP) from Faribault County.

All Private Septage Storage Structures are required to obtain a Faribault County Septic Permit.

## **SECTION 16 - ADMINISTRATION AND RECORD KEEPING**

### **Subdivision 1 Duties of the Department**

The Department has the authority to administer and enforce this ordinance. The Department's authority includes, but is not limited to, the following:

1. Inspect new, repaired, or replaced SSTS and septage disposal sites in Faribault County as provided in this ordinance.
2. Issue Certificates of Compliance for new, repaired, or replaced systems.
3. Investigate complaints of violations of this ordinance including MN Rules Chapters 7080 and 7081.
4. Recommend that legal proceedings be initiated by the Faribault County Attorney to compel compliance with the provisions of this ordinance.
5. Advise, consult, and cooperate with the public and other governmental agencies in the furtherance of this ordinance.
6. Issue order:
  - a. To suspend or revoke permits issued under this ordinance;
  - b. To stop actions which constitute a violation of this ordinance;
  - c. To correct systems determined by the Department to be in a state of failure or determined to be otherwise in violation of this ordinance;
  - d. To cease and prevent from use any system which is operating in a manner creating a hazard to public health, safety or welfare.
7. Perform various compliance inspections periodically to assure that the requirements of this ordinance are met.
8. Maintain record of all permitted systems.
9. Public Education and Outreach
10. Provide an annual report to MPCA as required.

Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling or installing any SSTS. Any appeals of a Department order shall be filed with the Department within thirty (30) days of issuance of the order.

## **SECTION 17 - ENFORCEMENT**

### **Subdivision 1 Responsibility**

It is the responsibility of the owner of a noncompliant SSTS to notify the Department and submit a plan for the abatement of the failure to the Department.

### **Subdivision 2 Time Frame**

When the Department becomes aware of a failing or ITPHS SSTS, the Department may require the following:

1. The owner of the SSTS shall respond to the Department within five (5) working days of notification by the Department by submitting a plan for abating the discharge.
2. The owner of the SSTS shall repair or replace the noncompliant system consistent with Section 23 and Chapter 7080/7081.
3. The Department may require that the owner of a noncompliant system pump the septic tank as an interim abatement measure if the Department determines that the failing system is an ITPHS.

### **Subdivision 3 Misdemeanor**

Any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

### **Subdivision 4 Stop Work Orders**

Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order the work stopped by written notice personally served upon the owner or installer of the SSTS. All activities shall cease and desist until subsequent authorization to proceed is received from the Department.

### **Subdivision 5 Injunctive Relief and Other Remedies**

In the event of a violation or a threat of a violation of this Ordinance, Faribault County may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct or abate such violations or threat of violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

### **Subdivision 6 Financial Sanction**

After all appeal rights have been used, any septic system that is in violation with the provisions of this Ordinance shall be assessed a \$250.00 per month penalty by the Department.

### **Subdivision 7 Appeals**

1. **Hearing** - An appeal from a Department order shall be heard by the Faribault County Board of Adjustment within sixty (60) days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the appellant and the officer, from whom the appeal is taken, and to the public and decide the same within ninety (90) days of the hearing.
2. **Stay of Action** – An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.

**Subdivision 8 Action to Faribault County Board of Adjustment**

The Board of Adjustment may reverse or affirm wholly or partly or may modify the order appealed from and to that end shall have all of the power of the officer from whom the appeal was taken. The reasons for the Board of Adjustment’s decision shall be stated in writing.

**Subdivision 9 Fees**

Fees shall be set by the County Board.

Groskreutz/Warmka motion carried unanimously to approve the 2014 Minnesota Pollution Control Agency SSTS grants - combined application.

\* \* \* \* \*

Faribault County Development Corporation Executive Director Linsey Warmka met regarding office business.

Roper/Young motion carried unanimously to approve an allocation to the Faribault County Economic Development Agency of \$52,000 for 2015, 2016, and 2017 contingent upon review by the county attorney.

\* \* \* \* \*

Warmka/Groskreutz motion carried unanimously to approve Resolution 14-CB-28 setting policy to consider requests for the abatement or reduction of estimated market value, property taxes, special assessments and costs, penalties and interest. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**RESOLUTION**

**WHEREAS,** as provided in M.S. 375.192, abatements are an administrative method of correcting errors in valuation or classification. The assessor can make no changes in valuation or classification that are intended to correct errors in judgment after the County Board of Appeal and Equalization, except for the correction of clerical errors and the extension of homestead status. Any changes made after the conclusion of the County Board of Appeal and Equalization must be handled by abatement or tax court petition; and

**WHEREAS,** upon written application by the owner of any property, the County Board may grant the reduction or abatement of estimated market value or taxes and any costs, penalties or interest on them as the board deems just and equitable and order the refund in whole or in part of any taxes, costs, penalties or interest when they have been erroneously or unjustly paid; and

**WHEREAS,** abatements may only be granted for current taxes payable year and two prior years. Abatement for the two prior years may only be granted to: (1) correct clerical errors, or (2) when the taxpayer fails to file for adjustment due to hardship; and

**WHEREAS,** if an application for abatement exceeds \$10,000 in tax, penalty and interest, the County Board must give 20 days notice to the school and the municipality in which the property is located; and

**WHEREAS,** the city or town and/or school can choose to challenge the abatement. If the school board or municipality objects to the abatements, the County Board will refer the abatement to the Commissioner of Revenue with it's recommendation; and

**WHEREAS,** no reduction, abatement or refund of any special assessments made by a municipality will be made unless upon the request of the respective local unit of government; and

**NOW THEREFORE BE IT RESOLVED,** that the Faribault County Board of Commissioners shall establish this as policy to consider requests for the abatement or reduction of estimated market value, property taxes, special assessments and costs, penalties and interest.

\* \* \* \* \*

Young/Warmka motion carried unanimously to approve Resolution 14-CB-29 establishing policy to consider applications for the homestead classification. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

## **R E S O L U T I O N**

**WHEREAS,** Minnesota Statutes 273.124 requires an application for the homestead classification to identify the property owner and determine if they qualify for homestead status; and

**WHEREAS,** applications need to be submitted to the County Assessor's office no later than December 15 of the current year to be eligible for homestead in the next payable tax year; and

**WHEREAS,** if the application is not received by the December 15<sup>th</sup> deadline, the homestead classification will not be granted and this will affect the taxes due and payable in the following year; and

**WHEREAS,** applications received after the December 15<sup>th</sup> deadline will not be subject to abatement; and

**WHEREAS,** failure to notify the assessor within 30 days that a property has been sold, transferred, or that the owner, spouse of the owner, or the qualifying relative is no longer occupying the property as a homestead, shall result in a penalty as provided by law and the property will lose its homestead; and

**NOW THEREFORE BE IT RESOLVED,** that the Faribault County Board of Commissioners shall establish this as policy to consider applications for the homestead classification.

\* \* \* \* \*

Groskreutz/Roper motion carried unanimously to accept the bid for a repair project on CD24 from Holtmeier Construction of Mankato for \$219,999.95. One other bid was received from Contractor's Edge of Mankato for \$370,443.15.

\* \* \* \* \*

Warmka/Groskreutz motion carried unanimously to appoint Commissioner Greg Young to the extension hiring committee.

\* \* \* \* \*

Young/Warmka motion carried unanimously to pay bills totaling \$314,060.92 as follows:

COUNTY REVENUE FUND	\$ 79,204.05
PUBLIC WORKS FUND	49,353.82
HUMAN SERVICES FUND	167,846.00
COUNTY LIBRARY FUND	21.70
TAXES AND PENALTIES FUND	262.00
NON REVENUE/DISB A	4,178.25
DITCH FUNDS	<u>13,195.10</u>
	\$ 314,060.92

\* \* \* \* \*

The meeting was recessed to the Board of Equalization meeting at 6:30 p.m.

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Tom Loveall, Chairman

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John Thompson, Auditor/Treasurer/Coordinator

06-17-14

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