



Le Sueur County, MN

Tuesday, April 7, 2015

Board Meeting

Item 8

10:00 a.m. German-Jefferson Public Hearing

Staff Contact:

LE SUEUR COUNTY ORDINANCE

ORDINANCE PROVIDING FOR THE INSPECTION OF INDIVIDUAL SEWAGE TREATMENT SYSTEMS WITHIN THE GERMAN-JEFFERSON SUBORDINATE SERVICE DISTRICT

WHEREAS Le Sueur County is obligated under state law to regulate subsurface sewage treatment systems in unincorporated portions of the County;

WHEREAS Le Sueur County has incrementally advanced its regulation of SSTs to meet growing development pressures in the County, particularly in shoreland areas;

WHEREAS Le Sueur County implemented soil verification requirements on April 1, 2008 for all SSTs compliance inspections in the County;

WHEREAS compliance inspections prior to 2008 lack soil verification and are not reliable;

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

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

WHEREAS Le Sueur County adopted interim SSTs standards to address known problems within the District;

WHEREAS a voluntary SSTs inventory program was initiated within the District in 2011 that resulted in participation of 51% of households in the District;

WHEREAS the voluntary inventory program validated the County's wastewater concerns within the District; and

WHEREAS an inspection process is the necessary next step in the incremental approach to addressing wastewater concerns within the District by creating a complete inventory and a timeline for compliance.

NOW THEREFORE, the Le Sueur County Board hereby ordains:

SECTION 1. Purpose. The German-Jefferson Subordinate Service District was established for the purpose of addressing wastewater issues around German and Jefferson Lakes. The purpose of this Ordinance is to establish an inspection process in order to inventory the wastewater treatment systems within the District and create a timeframe for compliance.

[15741-0019/1620170/2]

SECTION 2. Definitions.

Certificate of Compliance: A document, written after a compliance inspection, from a Certified Inspector, certifying that an ISTS is in compliance with the applicable requirements of Minnesota Rules, Chapters 7080 to 7083, as amended and Section 17 of the Le Sueur County Zoning Ordinance at the time of the inspection.

Certified Inspector: An individual, or a qualified employee, certified under Minnesota Rules Chapter 7083, as amended.

Compliance Inspection: The evaluation, investigation, inspection, or other process conducted by a Certified Inspector employed by a Licensed Business for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

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

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.

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

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

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

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

Subsurface Sewage Treatment System (SSTS): Either an ISTS or a MSTS.

Midsized Subsurface Sewage Treatment System (MSTS): An SSTS that employs sewage tanks or other treatment devices with final discharge into the soil below the natural elevation or elevated grade and that is designed to receive sewage design flow of greater than 5,000 gallons per day to 10,000 gallons per day.

SECTION 3. Permits Required. No person, firm, or corporation shall install, construct, extend or alter any ISTS in the County without first obtaining a permit as required by the Le Sueur County Zoning Ordinance.

[15741-0019/1620170/2]

SECTION 4. Inspection and Report Required. No later than November 15, 2016, all ISTSs within the District shall be inspected by a Certified Inspector and an Inspection Report shall be furnished to the Le Sueur County Environmental Services Department. The inspection shall be completed at each property owner's sole expense.

SECTION 5. Exemptions from Inspection. No Compliance Inspection is required for an ISTS that:

1. Has a valid Certificate of Compliance issued after April 1, 2008; or
2. Was inspected as part of the JGSIP.
3. Sign Waiver for Compliance Inspection of an Existing Septic System.

SECTION 6. Inspector Requirements. All Compliance Inspections must be performed by a Certified Inspector. No Certified Inspector or Licensed Business who previously designed, installed, inspected, or performed any maintenance on an ISTS may submit an Inspection Report for that ISTS for purposes of this ordinance.

SECTION 7. Inspection Report Requirements. The Inspection Report must include and follow the instructions on the most current version of the Minnesota Pollution Control Agency's Compliance Inspection Form for existing Subsurface Sewage Treatment Systems (SSTS).

SECTION 8. Administrative Search Warrant. The County reserves the right to seek an administrative search warrant after November 15, 2016 to perform a Compliance Inspection of any property within the District for which an Inspection Report or Certificate of Compliance has not been provided.

SECTION 9. Service Charge Against Uninspected Properties. The County reserves the right to impose a service charge of \$1,000 pursuant to Minnesota Statute Section 375B.09 for any property for which an Inspection Report or Certificate of Compliance has not been provided.

SECTION 10. Compliance Deadline. No later than December 31, 2017, all non-compliant ISTSs shall be upgraded, repaired, or replaced in compliance with Minnesota Rules Chapter 7080, as amended Section 17 of the Le Sueur County Zoning Ordinance.

SECTION 11. Penalties. Any property owner who has not submitted an Inspection Report by December 31, 2016 or has failed to upgrade, repair, or replace a non-compliant ISTS by December 31, 2017 shall be guilty of a misdemeanor. Any person or entity who violates any provision of this Ordinance or makes any false statement in any document required to be submitted under this Ordinance shall be guilty of a misdemeanor.

SECTION 12. Severability. In the event any provision or part of this Ordinance is determined to be void or unenforceable by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION 13. Effective Date. This Ordinance shall be effective immediately upon passage.

[15741-0019/1620170/2]

Adopted _____, 2015

Board Chairperson
Le Sueur County Board of Commissioners

ATTEST:

County Administrator

[15741-0019/1620170/2]