

Bridgewater Township
Rice County, MN

**SEWAGE AND
WASTEWATER
TREATMENT
ORDINANCE**

2014

**BRIDGEWATER TOWNSHIP ORDINANCE
SEWAGE AND WASTEWATER TREATMENT
TABLE OF CONTENTS**

SECTION 1. General Provisions.

- 1.01 Purpose.
- 1.02 Objectives.
- 1.03 Scope.
- 1.04 Authority.
- 1.05 Jurisdiction.
- 1.06 Standards adopted by reference.
- 1.07 Definitions.
- 1.08 Class V Injection Wells.
- 1.09 Prohibitions.

SECTION 2. Administration.

- 2.01 Administration by Bridgewater Township.
- 2.02 Recordkeeping.
- 2.03 Reporting.
- 2.04. Fees.
- 2.05 Variances.
- 2.06 Dispute resolution.

SECTION 3. Permitting.

- 3.01 Permit requirements.
- 3.02 Permits not required.
- 3.03 SSTS Licensing requirements.
- 3.04 SSTS Construction Permit application requirements.
- 3.05 Permit application review and approval.
- 3.06 Denial of permit.

SECTION 4. Inspections.

- 4.01 Inspections required.
- 4.02 Compliance inspection requirements for permitted installation.
- 4.03 Compliance inspection requirements for transfer of property.
- 4.04 Compliance inspections and certificates of compliance for building permit applications and all other applications.
- 4.05 Notification for inspections and inspection protocol.
- 4.06 Compliance inspections.

SECTION 5. Replacement Requirements for Systems Not in Compliance.

5.01 Replacement requirements in non-shoreland areas.

5.02 Replacement requirements in shoreland areas.

5.03 Replacement requirements if SSTS is an imminent threat to
public health.

SECTION 6. Operating Permits.

- 6.01 Permit application requirements.
- 6.02 Department response.
- 6.03 Operating permit terms and conditions.
- 6.04 Permit expiration and renewal.
- 6.05 Amendments to existing operating permits not allowed.
- 6.06 Transfers.
- 6.07 Suspension or revocation.
- 6.08 Compliance monitoring.

SECTION 7. Management Plans.

- 7.01 SSTS requiring management plans.
- 7.02 Required contents of management plan.
- 7.03 Requirements for systems not operated under a management plan.

SECTION 8. Construction Standards for Health and Environment Protection.

- 8.01 Technical Standards.
- 8.02 Determination of hydraulic loading rate and SSTS sizing.
- 8.03 Compliance criteria for existing SSTS.

SECTION 9. Local Standards for Health and Environmental Protection.

- 9.01 New lots.
- 9.02 SSTS in floodplains.
- 9.03 Holding tank installation.
- 9.04 Other construction requirements.
- 9.05 Performance program.
- 9.06 System abandonment.
- 9.07 Other septage disposal methods and regulations.

SECTION 10. Enforcement and Penalties.

- 10.01 General requirements.
- 10.02 Stop work orders.
- 10.03 Notice of violations.
- 10.04 Suspension of permits.
- 10.05 Revocation of permits.
- 10.06 Embargoes, condemnation and seizure.
- 10.07 Severability.

SECTION 11. Ordinance Repealed.

SECTION 12. Effective Date.

BRIDGEWATER TOWNSHIP ORDINANCE
“SEWAGE AND WASTEWATER TREATMENT”
Ordinance No. 2014-02

The Board of Supervisors of Bridgewater Township, Rice County, Minnesota, does hereby ordain and adopt this Ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. This ordinance establishes:

1. Minimum standards for and regulation of individual sewage treatment systems (SSTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Rice County incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency;
2. Requirements for issuing permits for installation, alteration, repair or expansion of SSTS;
3. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan;
4. Standards for upgrade, repair, replacement, or abandonment of SSTS;
5. Penalties for failure to comply with these provisions;
6. Provisions for enforcement of these requirements; and
7. Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 462.351-358, and 471.82, the Bridgewater Township Comprehensive Plan and the Bridgewater Township Zoning Ordinance.

SECTION 1. GENERAL PROVISIONS

1.01 **PURPOSE.** The purpose of the Sewage and Wastewater Treatment Ordinance shall be:

- a. To provide minimum standards for and regulation of subsurface sewage treatment systems and septage disposal including the proper location and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial wastes; and
- b. To protect the public’s health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Chapter 145A, subd.4 and Minnesota Rules, Chapter 7080-7083.

- 1.02** **OBJECTIVES.** The principal objectives of this Ordinance shall include the following:
- a. The protection of Bridgewater Township’s wetlands, rivers and streams and potable supplies of ground water essential to the promotion of public health, safety and welfare; the protection of the Township’s environment and its socioeconomic growth and development of the Township in perpetuity.
 - b. Given the extensive resources and numerous supplies of surface water and ground water and their susceptibility to contamination, regulation of proper subsurface sewage treatment system (SSTS) construction, reconstruction, repair and maintenance and proper septage disposal is essential to prevent the entry and migration of contaminants.
 - c. To establish minimum standards for septic system placement, design, construction, re-construction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
 - d. To establish minimum standards for septage removal, transport, treatment and disposal; and
 - e. The prevention and control of water-borne disease, lake degradation, ground water related hazards, and public nuisance conditions through plan reviews, inspections, septic system surveys and complaint investigations, as well as through technical assistance and education.
- 1.03** **SCOPE.** This Ordinance shall regulate the design, construction, repair and operation of subsurface sewage treatment systems in Bridgewater Township, including but not necessarily limited to, individual on-site and cluster or community off-site sewage treatment systems (MSTS), privies and other non-water carried sewage disposal systems, repair and/or replacement of individual sewage treatment systems (SSTS) and the disposal of septage. This Ordinance does not supersede nor replace those rules and regulations affecting sewage and wastewater treatment set forth by the State of Minnesota or the United States Government. All sewage generated in Bridgewater Township must be treated either in an MPCA permitted facility or a system that meets the requirements of this ordinance.
- 1.04** **AUTHORITY.** This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082;; or successor rules.
- 1.05** **JURISDICTION.** The jurisdiction of this Ordinance shall include all lands within Bridgewater Township. This ordinance shall be at least as strict as the Sewage and Wastewater Treatment Ordinance adopted by Rice County.
- 1.06** **STANDARDS ADOPTED BY REFERENCE.** This Ordinance hereby adopts by reference Minnesota Rules Chapter 7080 - 7083. These rules, known as the “Subsurface

Sewage Treatment Systems Standards,” shall embody the minimum standards for the design, location, installation, use, monitoring and maintenance of subsurface sewage treatment systems (SSTS) in Bridgewater Township.

1.07 DEFINITIONS. For the purpose of this Ordinance, definitions of terms provided in Minnesota Rules Chapter 7080.1100, 7081.0020, 7082.0020, and 7083.0020; Bridgewater Township Zoning Ordinance; and related laws and regulations shall have the same meaning subscribed to them in this Ordinance, as well as the following definitions and terms:

- a. **Corrective Action.** Any action required by the Department to ensure compliance to applicable requirements with this Ordinance and State regulations.
- b. **Department.** The Bridgewater Township Zoning Administrator and any designated employees or subcontractors that have been appointed by the Town Board to fulfill the duties herein.
- c. **Failing to Protect Groundwater.** At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500.
- d. **Imminent Threat to Public Health or Safety.** At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers.
- e. **Incorporation.** The mixing of septage with the topsoil, concurrent with the application or immediately thereafter, by means such as disking, plowing, rototilling or injection.
- f. **Land Application.** The placement of domestic septage on or into the soil surface.
- g. **SSTS.** “SSTS” is an acronym for subsurface sewage treatment system.
- h. **MPCA.** “MPCA” is an acronym for The Minnesota Pollution Control Agency.
- i. **Natural Resources Conservation Service (NRCS).** The United States Department of Agriculture (USDA) Natural Resources Conservation Service.
- j. **Owner of Land or Land Owner.** Any person who holds a freehold interest, either individually or as a joint tenant or tenant in common, to any land lying within the County. Where the term “owner of land” or “land owner” is used, it includes each and all of the joint tenants and tenants in common with respect to such land.

- k. **Person.** Any natural person, any state, municipality or other governmental or other political subdivision or other public agency or instrumentality, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing, and any other entity.
- l. **Recreational Area.** Any public park, campground, playground, athletic field, picnic ground, swimming beach, fairground, any commercial campground, resort, riding stable or golf course.
- m. **Residential Area.** A concentration of ten (10) or more developed or undeveloped contiguous residential lots of two and one-half (2.5) acres or less.
- n. **Road Right-of-Way.** Any Federal, State, County, municipal or township highway or road including any shoulder and drainage ditch alongside the road.
- o. **Septage Storage.** Septage storage for purposes of this ordinance shall be the temporary storage of domestic “septage,” defined as either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works, in underground tank(s) holding less than 50,000 gallons and shall also be equally subject to all of the requirements within this ordinance that apply to a subsurface sewage treatment system (SSTS).
- p. **Transfer of Property.** 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, mortgage, gift, or otherwise.
- q. **Wetlands.** Lands that: (1) have mostly hydric soils, soils that developed in wet conditions; (2) are wet either above the ground or wet within twelve (12) inches of the ground surface during all or part of the growing season; and (3) have adapted to wet soil conditions; or such lands as defined as “wetlands” by the Circular 39 system and/or the Cowardin classification method (developed by the US Fish and Wildlife Service (USFWS) in 1956 and 1979, respectively).

1.08 CLASS V INJECTION WELLS. All owners of new or replacement SSTS that are considered to be Class V injection wells as defined in the Code of Federal Regulations, title 40, part 144, are required to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures.

1.09 PROHIBITIONS.

- a. It is unlawful for any person to construct, maintain, occupy or use any building intended for habitation to dispose of wastewater in a manner that does not comply with this ordinance.

- b. It is unlawful for any person to construct, maintain or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by MPCA.
- c. It is unlawful to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.
- d. It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality

SECTION 2. ADMINISTRATION

2.01 ADMINISTRATION BY BRIDGEWATER TOWNSHIP. The Department shall regulate subsurface sewage treatment systems (SSTS) and septage disposal in Bridgewater Township pursuant to this Ordinance.

- a. The Department shall have the following duties and responsibilities:
 - 1. To review applications for subsurface sewage treatment systems;
 - 2. To approve permits that meet applicable requirements of this Ordinance (following application review).
 - 3. To inspect work in progress and to perform the necessary tests to determine compliance with this Ordinance;
 - 4. To investigate complaints regarding subsurface sewage treatment systems;
 - 5. To issue Stop Work Orders, Notices of Suspension and Notices of Revocation pursuant to this Ordinance;
 - 6. To refer violations of this Ordinance to the office of the Bridgewater Township Attorney; and
 - 7. To maintain property records for subsurface sewage treatment systems and septage disposal.
- b. The Department shall have other duties and responsibilities as designated by the Bridgewater Township Board.

2.02 RECORDKEEPING. The Department shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed under the jurisdiction of this ordinance sorted by licensed installation businesses, and other records relevant to each system.

- 2.03** **REPORTING.** The Department shall provide an annual report of SSTS permitting activities to MPCA.
- 2.04** **FEES.** The Township Board shall establish, by resolution, fees for each of the permits required by this Ordinance.
- a. Fees for any permits required to be renewed shall be due and payable at a date specified on the permit.
 - b. Fees may not be refundable either in whole or in part unless otherwise authorized by the Department.
- 2.05** **VARIANCES.** An affected property owner may request a variance from the specific requirements of this Ordinance. Department staff, as authorized by the Town Board, shall have the authority to grant variances when the purposes and intent of the variance are consistent with this Ordinance, the Bridgewater Township Comprehensive Land Use Plan, the Bridgewater Township Zoning Ordinance, the Rice County Comprehensive Local Water Plan and ground water and surface water protection strategies. Work must be completed within twelve (12) months of the issuance of a variance or the variance will become invalid.
- a. **Variance Application Procedure.**
 1. A variance application with the required fees shall be submitted to the Department. The application shall be accompanied by plans showing such information as the Department may require for purposes of this Ordinance. The plans shall contain sufficient information for the Department to determine whether the proposed variance will meet all applicable standards if the variance is granted.
 2. The Department designee shall have the authority to review a variance request and either deny or grant the variance within thirty (30) working days which may be extended an additional ten (10) days upon good cause.
 3. All decisions by the Department designee in granting variances may be appealed to the Bridgewater Township Board of Adjustment. An appeal must be requested within 15 days of receiving a notice of decision from the Department.
 4. No application for a variance, which has been denied, shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds of new evidence or proof of change on conditions found to be valid.
 5. A violation of any condition set forth in granting a variance shall be a separate violation of this Ordinance and may result in revocation of a permit granted on the basis of the variance.

- b. **Violations of Variance Conditions.** A violation of any condition set forth in granting a variance shall be a separate violation of this Ordinance and may result in revocation of a permit granted on the basis of the variance.
- c. **Variance Requiring Approval from Other Governing State Agencies.** Only the governing state agency may issue variances to Minnesota Rules Chapters 4725, 6105 and 6120. The applicant prior to the issuance of an SSTS permit shall obtain variance approval from the governing state agency from the Department. All costs associated with obtaining a variance from the governing state agency shall be the responsibility of the applicant.

2.06 DISPUTE RESOLUTION. If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the procedures outlined in 7082.0700, Subp 5 Periodically saturated soil disagreements.

SECTION 3. PERMITTING

3.01 PERMIT REQUIREMENTS.

- a. **SSTS Construction Permits.** No person shall install, alter, repair, or extend a subsurface sewage treatment system (SSTS) without first submitting an application for a permit and obtaining said permit from the Department for each specific installation, alteration, repair or extension pursuant to this Ordinance.
- b. **Building Permit Prerequisites.** A building permit shall not be issued for a bedroom addition or variance on property served by an SSTS in non-shoreland areas or any building permit or variance in shoreland area unless the system is in compliance with applicable requirements of this Ordinance, as evidenced by a Certificate of Compliance.
- c. **Operating Permits.** An operating permit shall be required for all owners of new holding tanks, septage storage tanks, Type III systems, Type IV systems, Type V systems or MSTS or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a holding tank, septage storage tank, Type IV or V system, or MSTS until the Department certifies that the system was installed in substantial conformance with the approved plans, receives the final drawings of the MSTS, and a valid Operating Permit is issued to the owner.
- d. **Septage Storage Tank Permit.** No person shall install, alter, repair, or extend a septage storage tank permit without first submitting an application for a permit and obtaining said permit from the Department for each specific installation, alteration, repair or extension pursuant to this Ordinance. Septage storage tanks permits may only be issued for storage of domestic sewage and must abide by the following provisions:

1. The septage storage tank must meet all other State and local rules, and be located on property that has a valid conditional use permit for septage storage.
 2. The septage storage tank must meet the setbacks required in the Rice County Zoning Ordinance in addition to the setbacks of Minnesota Rules 7080.
 3. Tanks and facility must meet requirements for holding tanks contained in Minnesota Rules 7080.
 4. The tank must be installed by a licensed SSTS installer.
 5. A licensed maintenance business is limited to no more than 8,000 gallons within ½ mile.
 6. The permit must obtain a signature of approval from the Minnesota Pollution Control Agency before the permit may be issued.
- f. **Existing Permits.** Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.

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

- a. Repair or replacement of the solid sewer pipe from the building to the septic tank or holding tank.
- b. Repair or replacement of the solid sewer pipe from the septic tank to the first distribution box or drop box.
- c. Repair or replacement of pumps, floats or other electrical devices of the pump.
- d. Repair or replacement of baffles in the septic tank.
- e. Addition of maintenance access rings on the septic tank or holding tank to bring maintains access to within twelve (12) inches of the ground surface.
- f. Minor maintenance and repair with prior approval from the Department.

3.03 SSTS LICENSING REQUIREMENTS.

- a. All work to design, install, repair, maintain, operate or inspect all or part of an SSTS must be performed by a state SSTS licensed business, as specified under Minnesota Rules 7083, applicable to the type of work being performed.
- b. The following exemption from licensing may be allowed when approved by the Department.

1. Property owners may be permitted to construct or repair an ISTS to serve a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual on their own property shall be exempted from providing proof of a State license but shall be required to execute a signed indemnification agreement on a form provided by the Department and comply with all other applicable provisions of this Ordinance.
2. A property owner shall have a current license issued by the MPCA for “Designer” or “Intermediate/Advanced Designer” if they wish to perform the site evaluation or design their own SSTS. Otherwise the property owner must work with a licensed Designer or Intermediate/Advanced Designer.
3. Any assistance provided to the system owner in construction of a system under this item must be performed by a licensed installation business.
4. A property owner may not install an ISTS if they are receiving loan funding from the County or USDA loan program.

3.04 SSTS CONSTRUCTION PERMIT APPLICATION REQUIREMENTS. The permit application shall be submitted on forms provided by the Department and contain the following:

- a. Street address, township and section of the property(s);
- b. Name, address, and telephone number of the permittee and the landowner; if applicable;
- c. Legal description of the property and Parcel Identification Number;
- d. SSTS designer name, address and State license number; and
- e. Information required by the Department to assure compliance with this Ordinance, including, but not limited to:
 1. A site evaluation with items identified in Minnesota Rules 7080.1730 or 7081.0160 and 7081.0200 with a certified statement from the licensee doing the site evaluation;
 2. A complete design including calculations; and
 3. Summaries of SSTS component sizings and drawings including applicable construction information with a certified statement from the licensee doing the design.
- f. The information in 712.04, subp. e, including exhibits for site evaluation, design, and applicable construction information, shall be submitted to the Department on forms provided by or approved by the Department.

- g. Applicable fees shall be submitted to the Department.
- h. Completed Site Evaluation.
 - 1. The site evaluator is responsible for the placement of brightly colored flagging or fencing around the perimeter of the proposed SSTS at the time of a site evaluation.
 - 2. Soil borings and/or soil backhoe pits shall be required for new systems or repairs to existing individual sewage treatment systems. Percolation tests shall be required in compacted or fill soil and when the soil texture, structure or consistency indicates the percolation rate may be slower than sixty (60) minutes per inch or faster than five (5) minutes per inch at the proposed depth of the SSTS.
 - 3. A minimum of three soil observations are required for both the initial and the replacement soil treatment area and at least one soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.
 - 4. In the event percolation tests are conducted, at least two (2) percolation tests shall be performed in the proposed soil treatment area(s).
 - 5. The depth of each soil horizon observed shall be measured from the ground surface. Soil logs for all backhoe pits or all borings shall be and submitted on forms provided by or approved by the Department. The soil logs shall be signed and dated by a professional licensed to perform site evaluations.

3.05 PERMIT APPLICATION REVIEW AND APPROVAL. A qualified employee of the Department shall review the permit application and exhibits to determine whether the proposed work will meet applicable requirements of this Ordinance. If, after consideration of the application for a permit, the Department is satisfied that the proposed work complies with provisions of this Ordinance, the Department shall issue a written permit which shall be signed by the permittee.

- a. The permit shall be valid for the period of twelve (12) months from the date of issuance by the Department, and all work must be completed within those 12 months. Any permittee holding a valid permit may apply for an extension of up to twelve (12) months beyond the standard 12 months, and no permit shall be extended more than once.
- b. One copy of the permit, including the Department-approved design shall be kept available at the work site until such work is completed by the licensee and approved by the Department.
- c. In the event of a change in the design on the permit application, the permittee shall submit an amended design detailing the changed conditions. The design changes must be approved by the Department prior to initiating construction.

- d. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any provisions of this ordinance or any other ordinance of this jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this ordinance or other ordinances shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the Department from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing work being carried on there under when in violation of this, or any other ordinance.

- e. The Department may suspend or revoke a permit issued under the provisions of this ordinance whenever the permit is issued in error or on the basis of incorrect information, or in violation of this or any other ordinance.

3.06 DENIAL OF PERMIT. The Department may deny any permit for failure to comply with this Ordinance. If after consideration of the application for a permit, the Department determines that the proposed work does not comply with the provisions of this Ordinance, the Department shall deny the permit. The permit application may be revised or corrected and resubmitted to the Department at any reasonable time for reconsideration.

SECTION 4. INSPECTIONS

4.01 INSPECTIONS REQUIRED. A Compliance Inspection shall be conducted:

- a. When an SSTS is newly installed, expanded or portions are replaced.
- b. Before a variance is issued to reduce the setback distance from an existing SSTS.
- c. At time of property transfer:
 - 1. if the SSTS is greater than five (5) years old; or
 - 2. a Compliance Inspection has not been conducted within the past three (3) years on an existing SSTS.
- d. When information about the system is being gathered by anyone other than the property owner for a property sale disclosure. Persons conducting Compliance Inspections for disclosure shall meet the requirements of Minnesota Rules 7082.0700 Subp. 2 A (4).
- e. When the Department receives a complaint of an imminent threat to public health or safety.
- f. The Department may temporarily waive, due to frozen soil conditions, the

certificate of compliance requirement for a building permit or variance for which application is made during the period from November 1 to April 30, provided that an inspection of the system is performed by the following June 1.

4.02 COMPLIANCE INSPECTION REQUIREMENTS FOR PERMITTED INSTALLATION

- a. A Compliance Inspection shall be conducted by the Department for a newly installed SSTS, or expansion or replacement of portions of an existing SSTS.
- b. The SSTS shall be inspected at least once before the system is covered or if the requirements for notification for inspections are met in Section 713.05a, and the Department is unable to make the inspection, the system may be covered. The Department shall review photographs, video or other evidence to show compliance as provided by the installer. Inspections shall ensure compliance with applicable requirements with this Ordinance. The inspection must be performed on a form provided by the Department. Any corrective action verbally given to an installer at the time of the inspection shall be identified on the Inspection Report form.
- c. A Certificate of Compliance will not be issued for the inspected SSTS until the SSTS meets applicable requirements of the Ordinance.

4.03 COMPLIANCE INSPECTION REQUIREMENTS FOR TRANSFER OF PROPERTY

When a Transfer of Property occurs, the affected property's SSTS shall be evaluated by a State of Minnesota licensed "Inspector" or "Intermediate/Advanced Inspector" through a Compliance Inspection.

- a. The seller or seller's agent shall notify a licensed Inspector or Intermediate/Advanced Inspector to request a Compliance Inspection for the purpose of property transfer prior to transfer of title. Prior to the transfer of property, the seller shall submit a completed Compliance Inspection and Pumping Certificate to the Department and to the buyer/recipient of the property/title.
- b. A Compliance Inspection is not required by the Department for the transfer of property if the sale or transfer involves the following circumstances:
 1. The tract of land does not contain a building with plumbing fixtures or a privy.
 2. A Certificate of Real Estate Value is not required to be filed with the County Auditor, as per Minnesota Statutes Chapter 272.115.
 3. The sale or transfer completes a Contract for Deed entered into prior to January 1, 1992. This subsection applies only to the original vendor and vendee on a contract.
 4. The existing permitted SSTS was installed within the past five (5) years.

5. A Certificate of Compliance has been issued for the existing SSTS within the past three (3) years.
- c. The seller shall be responsible for all costs associated with the Compliance Inspection of the existing SSTS.
- d. All costs associated to upgrade, replace or repair an imminent threat to public health or safety or a failing to protect groundwater system shall be the responsibility of the seller, or as otherwise provided for in written agreement between the seller and buyer.
- e. If the compliance portion of the Certificate of Compliance cannot be completed at the time of transaction due to prohibitive weather-related conditions (e.g., snow cover or frozen ground), as certified by a licensed inspector, the compliance portion of the Certificate of Compliance shall be completed by June 1 following the closing date, provided soil conditions are suitable at that time.
- f. If the property in question meets a provision or provisions of 4.03(b)(3)-(5), a copy of the property owner's real estate disclosure form must be submitted to the Department verifying that the SSTS for said property is not an imminent health threat.

4.04 COMPLIANCE INSPECTIONS AND CERTIFICATES OF COMPLIANCE FOR BUILDING PERMIT APPLICATIONS AND ALL OTHER APPLICATIONS

- a. The property owner shall be the responsible party for obtaining and submitting a Certificate of Compliance for the existing SSTS.
- b. A Certificate of Compliance shall be submitted to the Department before a building permit is issued for the addition of a bedroom or variance or replacement of a dwelling in a non-shoreland area and before any permit or variance is issued in a shoreland area.
- c. A Certificate of Compliance shall be submitted to the Department, or an SSTS permit for repair or replacement shall be obtained from the Department, before a building permit for a new or relocated dwelling can be issued.
- d. Documentation verifying that the SSTS is adequately sized shall be submitted to the Department before a building permit for a new or relocated dwelling can be issued.

4.05 NOTIFICATION FOR INSPECTIONS AND INSPECTION PROTOCOL. The permittee shall notify the Department prior to the completion and covering of the SSTS.

- a. **Notification for Inspections.**
 1. It shall be the duty of the permittee or licensee to notify the Department to schedule an inspection in person, by telephone, or in writing between the hours

of 8:00 a.m. and 4:30 p.m., and at least 24 hours in advance of the time the inspection is desired.

2. If adjustment of the specific inspection time is necessary, the final notice shall be given not less than four (4) hours in advance of the time the licensee desires inspection, and the Department will accommodate the change if possible.
3. It shall be the duty of the permittee or licensee to make sure that the work meets the prescribed standards and limitations before giving the above notification.
4. The installation and construction of the SSTS shall be in accordance with the permit requirements and Department-approved design.
5. Proposals to alter the permitted construction shall be reviewed and the proposed changes approved by the Department prior to construction.

b. **Inspection Protocol.**

1. If the SSTS is installed by the homeowner, the system must be inspected by the Department. All conditions regarding notification for inspections apply, as described in Section 4.05, subp. a.
2. The equipment and supporting labor necessary for the inspection shall be furnished by the licensee.
3. When required by the Department, sewage tank(s) must be tested for watertightness by a method approved by the Department.
4. If any SSTS component is covered before being inspected and approved by the Department, it shall be uncovered upon the direction of the Department, if deemed necessary.
5. If the permittee or licensee provides proper notice as described above and the Department does not appear for an inspection within one (1) hour of the scheduled inspection time, the licensee may complete the installation. The licensee shall file an as-built-plan on a Department-approved inspection form. The as-built-plan is submitted to the Department within five (5) working days of the SSTS installation. The as-built-plan shall include photographs or video of uncovered components of the SSTS, and shall include certified statement by the licensee that certifies that the SSTS was installed in accordance with this Ordinance, and that the licensee agrees to indemnify and save Bridgewater Township harmless from all loss, damages, costs, charges that may be incurred by the Township because of the licensee's failure to comply with the applicable requirements of this Ordinance. Following the as-built-plan submittal, the Department will visit the site and issue a Certificate of Compliance or Notice of Noncompliance.

6. A certificate of compliance for new SSTS construction or replacement shall be issued by the Department if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
7. The certificate of compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner that includes a statement specifying those ordinance provisions with which the SSTS does not comply.
8. Certificates of compliance for new construction or replacement shall remain valid for five years from date of issuance unless the Department finds evidence of an imminent threat to public health or safety requiring removal and abatement under Minnesota Statutes 145A.04, subd. 8.

c. **Protocol for SSTS Installation During Non-Business Hours.**

1. Prior notification must be given to the Department, as described in Section 4.05, subp. a., if the SSTS is to be installed during hours when the Department is closed and on Saturdays, Sundays and legal holidays. An onsite inspection shall be scheduled within the next five (5) Department business days, and the Department will visit the site to meet with the installer and issue a Certificate of Compliance or Notice of Noncompliance.
2. All efforts must be made to leave the SSTS uncovered for inspection by the Department during business hours. If this is not possible, an as-built-plan with a certified statement on a Department approved form shall be submitted and photographs or video of the system components or other evidence to show compliance that satisfy the Department that the system meets applicable requirements. If the Department is not satisfied that the system meets applicable requirements the system shall be uncovered upon request of the Department.
 - a) The permittee or licensee shall submit to the Department an as-built-plan on an inspection form provided by the Department within five (5) working days of completion of the installation.
 - b) The as-built plan shall be signed and certified by the Designated Registered Professional that the SSTS is in compliance with applicable requirements of this Ordinance.
 - c) The as-built-plan shall include a detailed drawing of the SSTS, location of the SSTS components, and their relative location to permanent structures or physical features of the lot.

4.06 COMPLIANCE INSPECTIONS.

- a. The Compliance Inspection shall be completed by a private, State licensed “Inspector,” “Intermediate/Advanced Inspector” or qualified employee of the Department, independent of the SSTS owner and the SSTS installer.
- b. A Certificate of Compliance or Notice of Noncompliance shall be prepared by the qualified employee or licensed inspector.
- c. A Certificate of Compliance or Notice of Noncompliance with a certified statement shall be submitted to the owner and the Department, within fifteen (15) days following a Compliance Inspection.
- d. Compliance Inspection reports shall be issued to both the Township and property owner.
- e. The Compliance Inspection report must identify the type of SSTS and indicate whether the SSTS is in compliance with Minnesota Rules Chapter 7080.1500 or 7081.0080.
- f. Along with the Certificate of Compliance, a Pumping Certificate shall be submitted to the Department as evidence that the septic tank has been pumped as part of the Compliance Inspection. The septic tank(s) or holding tank shall be pumped as follows as part of a Compliance Inspection.
 1. The septic or holding tank(s) must be pumped by a State licensed Maintainer.
 2. The Maintainer shall pump the septic tank(s) or holding tank(s) through the maintenance access and check the following:
 - a) The capacity of the tank(s) in gallons;
 - b) That the tank(s) is watertight and not leaking on the date of pumping;
 - c) The presence and condition of inlet and outlet baffles; and
 - d) That the maintenance access is within twelve (12) inches of ground surface for tanks installed before October 1, 2013.
 - e) That the maintenance access is currently at or above the ground surface for tanks installed after October 1, 2013.
 3. If the Maintainer determines that the tank is not watertight, then the tank shall be considered failing to protect groundwater.
 4. Baffles shall be intact or otherwise repaired or replaced and documentation submitted to the Department.
 5. The licensed Maintainer shall submit to the Department a report on a form approved by the Department so that a licensed or qualified employee is

reasonably assured that the tank(s) is/are in compliance with applicable requirements of this Ordinance.

- g. A Certificate of Compliance for an existing SSTS is valid for three (3) years from the date of issuance unless the Department finds evidence of an imminent health threat.
- h. A Certificate of Compliance for a new SSTS is valid for five (5) years from the date of issuance unless the Department finds evidence of an imminent health threat.

SECTION 5. REPLACEMENT REQUIREMENTS FOR SYSTEMS NOT IN COMPLIANCE

5.01 REPLACEMENT REQUIREMENTS IN NON-SHORELAND AREAS. If the property owner is issued a Notice of Noncompliance after a Compliance Inspection but the SSTS does not pose an imminent threat to public health or safety the SSTS shall be replaced, upgraded or repaired.

- a. A septic permit to upgrade a non-compliant septic system must be obtained before a building permit for bedroom addition (as defined by Minnesota Rules 7080.1100 Subp. 9) can be issued.
- b. A non-compliant SSTS must be replaced, upgraded or repaired to compliance within one (1) year.

5.02 REPLACEMENT REQUIREMENTS IN SHORELAND AREAS. If the property owner is issued a Notice of Noncompliance after a Compliance Inspection but the SSTS does not pose an imminent threat to public health or safety the SSTS shall be replaced, upgraded or repaired. The replacement SSTS shall be constructed pursuant to Minnesota DNR Shoreland Rules Chapter 6120 and the Bridgewater Township Zoning Ordinance.

- a. A septic permit to upgrade a non-compliant septic system must be obtained before a building permit can be issued.
- b. A non-compliant SSTS must be replaced, upgraded or repaired to compliance within one (1) year.

5.03 REPLACEMENT REQUIREMENTS IF SSTS IS AN IMMINENT THREAT TO PUBLIC HEALTH. If an SSTS, through means of a Compliance Inspection for property transfer, building permit, complaint investigation or any other such processes is determined to pose an imminent threat to public health or safety the SSTS shall be upgraded, replaced, repaired or abandoned pursuant to applicable requirements of this Ordinance. Replacement plan requirements are as follows:

- a. The owner(s) shall submit to the Department an acceptable replacement plan and applicable fees and obtain an SSTS permit within a timeframe outlined by the Department, not to exceed thirty (30) days, after receiving a Notice of Noncompliance from the Department. The replacement plan shall identify the location and design of the SSTS and a schedule for replacement. The replacement SSTS must be constructed within ten (10) months after the owner receives a Notice of Noncompliance or earlier upon discretion of the Department.
- b. Failure to submit an acceptable Replacement Plan, to obtain an SSTS permit or to construct the replacement SSTS within ten (10) months after receiving a Notice of Noncompliance is considered a violation of this Ordinance.

SECTION 6. OPERATING PERMITS

6.01 PERMIT APPLICATION REQUIREMENTS.

- a. Application for an Operating Permit shall be made on a form provided by the Department including:
 1. Owner name, mailing address, telephone, and email address
 2. Construction Permit reference number and date of issue
 3. Final record drawings of the treatment system
- b. Monitoring and Disposal Contract. Owners of holding tanks shall provide to the Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3).

6.02. DEPARTMENT RESPONSE.

- a. The Department shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Department. If the submitted documents fulfill the requirements, the Department shall issue an operating permit.
- b. The Department may issue a temporary permit to alleviate a hardship if the owner has a need to occupy the building before the operating permit can be issued. The temporary permit is only allowed for the operating the treatment tank(s) as a holding tank until the operating permit is issued.

6.03. OPERATING PERMIT TERMS AND CONDITIONS.

- a. Operating Permits shall include the following:
 - 1. System performance requirements.
 - 2. System operating requirements.
 - 3. Monitoring locations, procedures and recording requirements.
 - 4. Maintenance requirements and schedules.
 - 5. Compliance limits and boundaries.
 - 6. Reporting requirements and frequency.
 - 7. Department notification requirements for non-compliant conditions.
 - 8. Valid contract between the owner and a Licensed Maintenance Business.
 - 9. Disclosure, location and condition of acceptable replacement soil treatment and dispersal system site.
 - 10. Descriptions of acceptable and prohibited discharges.
- b. Operating Permits for Septage Storage must also meet the following provisions:
 - 1. An operating permit for septage storage shall only be issued to a Licensed SSTS Maintainer.
 - 2. No licensed maintainer business shall be allowed operating permits for more than 8,000 gallons within ½ mile.
 - 3. Only waste pumped by the licensed maintainer business issued the operating permit may utilize the septage storage tank(s) issued for that permit.
 - 4. The septage storage tank may only be utilized for short term storage of domestic septage from residences.
 - 5. Failure to maintain a valid operating permit will require removal of the tank.

6.04. PERMIT EXPIRATION AND RENEWAL.

- a. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- b. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated temporarily as a holding tank until the permit is renewed. If not renewed the Township may require that the system be abandoned.
- c. The Department shall notify the holder of an operating permit prior to expiration of the permit. The Owner must apply for renewal at least 30 calendar days before the expiration date.
- d. Application shall be made on a form provided by the Department including:
 - 1. Applicant name, mailing address and phone number.

2. Reference number of previous owner's operating permit.
3. Any and all outstanding Compliance Monitoring Reports as required by the Operating Permit.
4. Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the Township.
5. Any revisions made to the operation and maintenance manual.
6. Payment of application review fee as determined by the Township.

6.05 AMENDMENTS TO EXISTING OPERATING PERMITS NOT ALLOWED. The Township may not amend an existing permit to reflect changes in this Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

6.06 TRANSFERS. The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with this Ordinance. The Department shall not terminate the current permit until 60 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

6.07. SUSPENSION OR REVOCATION.

- a. The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- b. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
- c. If suspended or revoked, the Department may require that the treatment system be removed from service, operated temporarily as a holding tank, or abandoned.
- d. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

6.08. COMPLIANCE MONITORING.

- a. Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- b. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 1. Owner name and address

2. Operating Permit number
3. Average daily flow since last compliance monitoring report
4. Description of type of maintenance and date performed
5. Description of samples taken (if required), analytical laboratory used, and results of analyses
6. Problems noted with the system and actions proposed or taken to correct them
7. Name, signature, license and license number of the licensed professional who performed the work

SECTION 7. MANAGEMENT PLANS

7.01 SSTS REQUIRING MANAGEMENT PLANS. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the construction permit application. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification

7.02 REQUIRED CONTENTS OF A MANAGEMENT PLAN. Management plans shall include:

- a. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
- b. Monitoring requirements;
- c. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
- d. Statement that the owner is required to notify the Department when the management plan requirements are not being met;
- e. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
- f. Other requirements as determined by the Department

7.03 REQUIREMENTS FOR SYSTEMS NOT OPERATED UNDER A MANAGEMENT PLAN. SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

SECTION 8. CONSTRUCTION STANDARDS FOR HEALTH AND ENVIRONMENTAL PROTECTION

- 8.01 TECHNICAL STANDARDS.** The standards provided in Minnesota Rules, Chapter 7080 and 7081, shall be the basis for issuance of notices of violations and notices of suspension or revocation.
- 8.02 DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING.** The systems absorption area and mound absorption ratio must be sized according to Table IX or by Table IXa from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) and herein adopted by reference as now constituted and from time to time amended.
- 8.03 COMPLIANCE CRITERIA FOR EXISTING SSTS.**
- a. SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and the seasonal saturation or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.
 - b. SSTS built after March 31, 1996, or SSTS located in shoreland area, wellhead protection area or serving a food, beverage, or lodging establishment as defined under Minnesota Rules 7080.1100, subp 84 must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (i.e. a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.

SECTION 9. LOCAL STANDARDS FOR HEALTH AND ENVIRONMENTAL PROTECTION

In addition to the above standards and requirements, the following shall also apply:

- 9.01 NEW LOTS.** All lots created after January 23, 1996, must have a minimum of one additional soil treatment area, which can support a standard soil treatment system. The homeowner is responsible for preserving the suitability of the alternate site for use as an SSTS soil treatment area in the future.
- a. All preliminary plats for proposed developments of one or more building sites shall be submitted to the Department for review to determine if individual sewage treatment systems that comply with this Ordinance could reasonably be installed on each lot in the proposed development.
 - 1. The Department may require information and studies relating to soils, percolation rates, saturated soil and bedrock evaluations, setback requirements and other relevant features, and information as to economic feasibility of construction of an

off-site cluster sewage treatment system to serve all or a portion of such lots identified in the preliminary plat.

2. Each lot with the proposed development, as identified on the preliminary plat, shall include the following:
 - a) Two (2) foot contours.
 - b) Proposed building pad and driveway.
 - c) Proposed well site and existing wells within one hundred (100) feet.
 - d) Soil boring/pit/percolation test data demonstrating that there are two (2) areas suitably sized for standard Type I sewage treatment systems.
 - e) All easements, including but not limited to drainage and utility easements.

9.02 SSTS IN FLOODPLAINS. SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate a SSTS outside a floodplain, location within the flood fringe is allowed if the requirements of Minnesota Rules 7080.2270 and all relevant local requirements are met.

9.03 HOLDING TANK INSTALLATION.

- a. Holding tank as defined in part 7080.1100 Subp. 40 as a Type II system, and will be allowed:
 1. As replacement for an existing system where it can be shown that a Type I system is not feasible, or
 2. Where a collection system for future connection to the dwelling will be available within five years.
- b. A monitoring and pumping disposal contract with a state-licensed Maintainer shall be submitted to the Department before issuance of a holding tank permit.
- c. The installation of a holding tank shall include a warning light or audible alarm or remote water level sensor.
- d. The homeowner shall keep pumping records on file dating back two years and shall be submitted to the Department upon request.
- e. Notification of termination or change in the pumping disposal contract and/or monitoring plan shall be submitted to the Department within thirty (30) days by the permittee or the Maintainer.
- f. All tanks used as holding tanks must be tested for watertightness.

9.04 OTHER CONSTRUCTION REQUIREMENTS

- a. The final backfill cover depth over septic system tanks shall be no greater than four (4) feet for new construction and for existing dwellings the tanks must be engineered and warranted by the tank manufacturer for a greater depth.
- b. Warranted systems may be allowed to be installed if there is not adequate room to install a standard Type I system.

9.05 PERFORMANCE PROGRAM.

- a. New or replacement ISTS or MSTs systems and ISTS or MSTs systems requiring more than minor repairs may be performance systems tailored to the SSTS prescriptive designs to adequately protect the public health and the environment per the MPCA SSTS Performance Standards adopted by reference as now constituted and from time to time amended.
- b. New performance systems must obtain a valid operating permit prior to operating the system.
- c. Replacement components for an existing performance system must adhere to the current code requirements if major modifications are made in the type of pre-treatment, or method of effluent distribution. A new operating permit must be obtained to reflect the modifications.
- d. Existing Performance Systems with a valid Operating Permit must adhere to the Operating Permit parameters prescribed to qualify for renewal.
- e. Existing Performance Systems without a valid operating permit must adhere to the current code requirements and obtain a valid operating permit.

9.06 SYSTEM ABANDONMENT. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, the system must be abandoned in accordance with Minnesota Rules 7080.2500.

9.07 OTHER SEPTAGE DISPOSAL METHODS AND REGULATIONS.

- a. In accordance with Minnesota Rules Chapter 7035, septage shall not be disposed of in a sanitary landfill.
- b. Septage may be disposed of in a municipal sewage treatment plant only with the written authorization of the plant operator. This option is preferred during the winter months (November-March) for proper disposal. The local unit of government owning such a plant may require a permit or other written authorization before disposal of septage at their facility.

- c. Any vehicle and pump tanks for septage pumping and hauling shall be equipped with signs clearly visible on the vehicle and pump tanks. The signs shall be furnished and installed by the permittee. The signs shall state the “Certificate Number” issued by the Minnesota Pollution Control Agency in letters of numbers at least one (1) inch high and the permittee’s name and address in letters or numbers at least one (1) inch high.
- d. Tanks used for removal of septage shall be constructed of nonporous materials and provide an access point to allow inspection and cleaning of the tank interior. The outlet shall be equipped with a durable non-leaking valve.
- e. Maintainers’ tanks and vehicles shall be maintained free of biosolid buildup and operated to control offensive odors and spilling of septage.
- f. Septage that is defined as commercial or industrial shall be subject to the additional regulations found in Minnesota Rules Chapters 7035 and 7040, EPA Rules 40 CFR 257, and all other applicable State and Federal rules and regulations.
- g. Maintenance of Individual Sewage Treatment Systems.
 - 1. The owner(s) of a septic tank or their agent must arrange for the removal of septage from the tank by a licensed septage Maintainer whenever the top of the sludge layer is less than twelve (12) inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three (3) inches above the bottom of the outlet baffle. Total sludge and scum volume shall not be greater than 25 percent of the tank’s liquid capacity.
 - 2. Whenever a septic tank is pumped, complete removal of scum and sludge shall occur. Septic tanks shall be pumped from a maintenance access, not from an inspection pipe when a maintenance access is present on the septic tank.
 - 3. At the time septic tanks are pumped, the inlet and outlet baffles shall be inspected and replaced if not securely fastened to the septic tank or are found to be structurally degraded.
 - 4. Additives shall not be used as a means to reduce the frequency of proper maintenance and removal of solids and scum from a septic tank in Bridgewater Township.
 - 5. Additives containing hazardous materials shall not be used in any SSTS in Bridgewater Township.

SECTION 10. ENFORCEMENT AND PENALTIES

10.01 GENERAL REQUIREMENTS.

- a. **Regulations.** The Department shall enforce, pursuant to this Ordinance, minimum standards for individual sewage treatment systems, the land application of septage and permitting requirements.
- b. **Certification Requirements.** All site evaluation, SSTS design, installation, alteration, repair, maintenance, pumping and inspection activities for an SSTS shall be completed under a license or by a qualified employee, or as exempted under Minnesota Rules Chapter 7080.0700, subp. 1.
- c. **Misdemeanor Penalty.** Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.
- d. **Injunctive Relief and Other Remedies.** In the event of a violation of this Ordinance, the Department may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for Corrective Action may be recovered by the Department in a civil action in any court of competent jurisdiction or, at the discretion of the Department, the costs may be certified to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the Department, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.
- e. **Costs.**
 - 1. All costs associated with the construction, repair, replacement, alteration or extension of an SSTS shall be the responsibility of the current landowner, unless otherwise provided for in this Ordinance.
 - 2. All costs associated with the land application of septage shall be the responsibility of the person who applies septage at each location. Clean-up costs resulting from the improper disposal of septage shall be borne by the person who applied septage to that property.
- f. **Access to Premises and Records.** Upon the reasonable notice 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 Ordinance. In the event of an imminent threat, the Department shall be allowed to inspect the premises without prior notice.
- g. **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.

10.02 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 or mailed to the installer or landowner. All installation and construction shall cease and desist until subsequent authorization to proceed is received from the Department.

10.03 NOTICE OF VIOLATIONS.

- a. **Cause to Issue a Notice of Violation.** Unresolved and either separate, recurrent, or continuing violations of this Ordinance by an applicant, permittee, installer or other person, as determined by inspections, re-inspections, or investigations shall constitute noncompliance with the Ordinance.
- b. **Serving a Notice of Violation.** A Notice of Violation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this Ordinance.
- c. **Contents of a Notice of Violation.** A Notice of Violation shall contain the following:
 1. A statement documenting the findings of fact through inspections, re-inspections or investigations;
 2. A list of specific violations of this Ordinance;
 3. The specific requirements for correction or removal of said violations;
 4. A mandatory time schedule for correction, removal and compliance with the Ordinance; and
 5. Specific enforcement actions that will be taken if corrective action is not completed.
- d. **Enforcement Action.** If specific violations of the Ordinance are not adequately corrected at the time schedule identified in the Notice of Violation, the applicant, permittee, installer or other person shall be subject to those enforcement actions identified in this Ordinance.

10.04 SUSPENSION OF PERMITS.

- a. **Cause to Issue Notice of Suspension.** The Department for violation of any provision of this Ordinance may suspend any permit required under this Ordinance. Upon written notice to the applicant and permittee, said permit may be suspended by the Department.
- b. **Serving a Notice of Suspension.** Written notice of suspension shall be served on the permittee by mail and shall be effective on the date identified on the notice of

suspension. If the Department concludes that there is a health hazard, suspension may be effective immediately upon notice to the permittee.

- c. **Contents of a Notice of Suspension.** A Notice of Suspension shall contain the following:
 - 1. The effective date of the suspension;
 - 2. The nature of the violation or violations constituting the basis for the suspension;
 - 3. The facts which support the conclusion that a violation or violations has occurred; and
 - 4. A statement that if the permittee desires to appeal, the permittee must, within ten (10) Township working days, exclusive of the day of service, file a request for hearing pursuant to the Bridgewater Township Ordinance.
- d. **Enforcement Action.** If said suspension is upheld and the permittee has not demonstrated within the sixty (60) day period that the provisions of this Ordinance have been complied with, the Department may serve notice by mail of continued suspension for up to an additional sixty (60) days or initiate revocation procedures.
- e. **Suspension Re-inspections.** Upon written notification from the permittee that all violations for which a suspension or summary suspension was invoked have been corrected, the Department shall re-inspect the SSTS or activity within a reasonable length of time, but in no case more than five (5) Township working days after receipt of written notice from the permittee. If the Department finds upon such re-inspection that the violations constituting the grounds for the suspension have been corrected or removed, the Department shall immediately dismiss the suspension by written notice to the permittee.

10.05 REVOCAION OF PERMITS.

- a. **Cause to Issue a Notice of Revocation.** The Department for violation of any provisions of this Ordinance may revoke any permit granted pursuant to this Ordinance.
- b. **Service a Notice of Revocation.** A Notice of Revocation shall be served by mail upon the applicant, permittee, installer or other person found to be in violation of this Ordinance. Revocation shall not occur earlier than ten (10) Township working days from the time that the Notice of Revocation is served by the Department. If a hearing is requested pursuant to the Bridgewater Township Ordinance, revocation shall not occur until written notice of the Department action has been served on the permittee.
- c. **Contents of a Notice of Revocation.** A Notice of Revocation shall contain the following:

1. The effective date of the revocation;
2. The nature of the violation or violations constituting the basis of the revocation;
3. The facts which support the conclusion that a violation or violations has occurred; and
4. A statement that if the permittee desires to appeal, the permittee must, within ten (10) Township working days, exclusive of the day of service, file a written request for a hearing pursuant to the Bridgewater Township Ordinance.

10.06 EMBARGOES, CONDEMNATION, AND SEIZURE.

- a. The use of material, equipment, or machinery shall not be continued whenever use of such is contrary to the provision of this Ordinance.
- b. The Department may seize, embargo or condemn any SSTS or its supplies, and machinery; or other materials, devices, products, or services which do not meet the provisions of this Ordinance and whose continued use or presence may pose a potential or imminent threat to the environment or to public health, safety, or welfare.
- c. The Department shall place a tag to indicate the seizure, embargo, or condemnation of the suspect items. No person shall remove the tag or remove; transport, dispose, treat, or use such seized, embargoed, or condemned material except as authorized by the Department.

10.07. SEVERABILITY.

If any provision or application of any provision of this Ordinance is held invalid, such finding of invalidity shall not affect other provisions or applications of this Ordinance.

SECTION 11. ORDINANCE REPEALED

The Bridgewater Township Sewage and Wastewater Treatment Ordinance No. 2007-05, dated July 24, 2007, and amendments thereto is repealed in its entirety.

SECTION 12. EFFECTIVE DATE

This Ordinance shall be in full force and effective on and after _____, upon adoption and publication pursuant to law.

ATTEST:

**Bridgewater Township, Rice County,
Minnesota**

Frances Boehning
Clerk of the Board

Kathleen Doran-Norton, Chairperson
Bridgewater Town Board

Date: _____

Date: _____