

## **ARTICLE VIII: SANITATION STANDARDS**

### **Section 800. Purpose and Scope**

It is the responsibility of the Greater Bemidji Area Joint Planning Board (JPB) to protect surface and ground water from contamination by surface and subsurface discharge of all wastewater; to protect public health and safety through regulation of human and commercial waste disposal; and to prevent or eliminate the development of public nuisances that may develop as a result of subsurface disposal of waste materials. This Section pertains to all development containing or requiring subsurface sewage treatment systems within the Greater Bemidji Area.

The purpose of this Section is to prescribe the conditions and minimum standards under which a Subsurface Sewage Treatment System (SSTS) may be used for treatment of sewage waste within the Greater Bemidji Area.

### **Section 801. Sewage Treatment Standards**

It is unlawful for any person to maintain, occupy or otherwise use any building intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that complies with provisions of this Ordinance. Municipal sanitation services will be employed for this purpose whenever available. All installation, repair, or expansion of SSTS or components thereof that alters the original function of the system, changes the treatment capacity of a system, changes all or part of the location of any component of a system, or otherwise changes the original design, layout, components or function of a system requires the issuance of a permit from the JPB prior to commencement of such work. Sanitation permits shall not be issued unless the proposed system will be in compliance with the following standards:

- A. Individual sewage treatment system shall not be permitted in areas where a Municipal or Small Community Sewer Cluster (SCS) Sewer System is available within one hundred (100) feet of the parcel boundary, or as required according to the standards of the City of Bemidji Engineering Department and/or SCS Owner/Operator when such system has adequate available treatment and/or collection capacity.
- B. All private and public SSTS shall meet the Minnesota Pollution Control Agency's (MPCA) standards for individual sewage treatment contained in Minnesota Rules Chapters 7080 through 7083, "Subsurface Sewage Treatment Systems Program", which is hereby adopted by reference as may be amended and declared to be a part of this Ordinance. A copy of these rules is on file at the JPB office at Bemidji City Hall and Northern Town Hall.
- C. All subsurface sewage treatment systems identified as an imminent threat to public health shall be made compliant in accordance with the requirements of MPCA Chapter 7080 as soon as possible but no later than thirty (30) days after such determination is made, unless weather conditions make such improvements impractical. If compliance within thirty (30) days is impractical an extension may be granted by the Planning Administrator provided that the property owner requests an extension and provides the Planning Administrator with documentation that such improvement shall be made no later than June 1<sup>st</sup> following the date of discovery.

- D. All SSTSs shall be designed and installed to meet the design flow requirements for Class I Dwellings, as prescribed by MN Rules, Chapter 7080.1860.
- E. Septic tanks shall be set back a minimum of ten (10) feet from any structure. Any part of a drain field or mound systems shall be set back a minimum of twenty (20) feet from any structure, ten (10) feet from any lot line, fifty (50) feet from a well or other water supply (one-hundred (100) feet if a well is less than fifty (50) feet in depth), and, where feasible, shall be placed down slope from said water supply. Additionally, in shoreland and sensitive area overlay, on-site sewage treatment systems shall be set back from the ordinary high water mark in accordance with the minimum standards specified in Section 402 or Section 901 of this Ordinance. For the purpose of SSTS systems structure is defined as: A constructed lot improvement that is intended or used for human occupancy or that is determined by the local unit of government to, interfere with the construction, operation, or maintenance of an SSTS; or be interfered with by the construction, operation, or maintenance of an SSTS.
- F. Nonconforming and noncompliant sewage treatment systems that are not classified as an imminent threat to public health shall be regulated and upgraded in accordance with Sections 802 and 803 of this Ordinance.
- G. Sewage treatment systems shall not be permitted in areas where any of the following conditions are present:
1. Low, swampy areas, or areas subject to recurrent flooding.
  2. Areas where the highest known groundwater table is within three (3) feet from the bottom of the sewage treatment system at any time.
  3. Areas of exposed bedrock or shallow bedrock within three (3) feet of the bottom of a sewage treatment system or any other geological formation which prohibits percolation of the effluent.
- H. In the creation of new lots where individual sewage treatment systems are anticipated to be installed, documentation shall be provided at the time of creation of the lot and again at issuance of a land use permit that there is adequate space for both a primary and alternate individual sewage treatment system.
- I. Any individual sewage treatment system that is abandoned, or no longer being used, shall be properly abandoned in accordance with MN Rules part 7080.2500 at the time of discovery or upon installation of a new individual sewage treatment system, or other treatment systems. A report of abandonment shall be completed by the licensed installer responsible for excavation. Said report shall be forwarded to the JPB within three (3) working days following abandonment.
- J. Holding tanks are a permitted SSTS that may only be used in limited situations when there is insufficient area to install a septic tank SSTS including, but not limited to, the following:
1. Temporary SSTS for special events,

2. For structures that are infrequently utilized (examples include seasonal cabins, tiny houses and event driven locations)
3. As permanent SSTS on properties in which the JPB SSTS Inspector affirms that the use of a holding tank will provide sewage treatment by a quality standard greater than that of a septic tank SSTS
4. A complete design and a pumping contract shall be submitted as part of the permit application process. All holding tank installations shall include a visual and audio alarm installed as part of the installation. All holding tank installation and repair shall be inspected in accordance with MPCA Chapter 7080. An operating permit shall be issued to the property owner in accordance with the standards listed below, by the JPB at the time of permitting. Operating permits shall be reviewed every two (2) years after issuance unless otherwise permitted. An expired operating permit shall render the SSTS noncompliant until said operating permit is re-established and permitted. A separate operating permit fee shall be collected for holding tank operating permits. Properties containing holding tanks shall provide records of pumping activity to the JPB at least annually. Operating permits issued for holding tank situations shall include the following:
  - a. System performance requirements;
  - b. System operating requirements;
  - c. Monitoring intervals, procedures and reporting instructions;
  - d. Maintenance procedures and schedules;
  - e. Compliance limits;
  - f. Non-compliance/failure reporting requirements and points of contact;
  - g. Valid contract between the owner and a licensed maintenance business;
  - h. Location of acceptable and permitted soil treatment dispersal area;
  - i. Description of acceptable and prohibited discharges; and
  - j. Complete description/example of monitoring report
  - k. Land use permits are issued for all additions to existing structures. A permit shall not be issued for any addition of bedrooms to a dwelling utilizing a SSTS unless said SSTS meets the sizing requirements contained in MN Rules part 7080.1860 for Class I dwellings.

1. MSTS or any other system deemed to require operational oversight shall be required to maintain an operating permit to be issued in accordance with the holding tank provisions of Section 801 (J) above.

### **Section 802. Registration of Sewage Treatment Systems**

No owner of a tract of land upon which a dwelling is located, or upon which a structure having an on-site sewage treatment system is located, shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a current Certificate of Sanitary System Compliance to the prospective buyer prior to the time of sale in accordance with the following requirements:

- A. Time of sale shall mean when a written purchase agreement is executed by the buyer or in the absence of a purchase agreement, the time of the execution of any document providing for the conveyance by deed or contract.
- B. The Seller shall obtain and provide to the buyer a State Certificate of Compliance. A copy of the Certificate shall be forwarded to the Joint Planning Board.
- C. The proposed purchaser shall not take occupancy of a dwelling or structure prior to the issuance of a Certificate of Compliance, except that upon the filing with the Joint Planning Board, or its agent, of an executed written agreement by the present and prospective owners, which agreement sets forth the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved by the Bemidji Area Joint Planning Board and found to be adequate in its discretion, the occupancy may be permitted pending issuance of the Certificate of Compliance. In no case shall the corrective action be completed later than one year from the date the property is conveyed.
- D. A Certificate of Compliance issued in accordance with MN Rules Chapter 7080 through 7083 and this Ordinance shall be effective for five (5) years from the date of issuance for new or replacement systems or three (3) years for existing systems.

### **Section 803. Noncompliant Sewage Treatment Systems**

No person shall use, occupy, or maintain any premises containing a noncompliant sewage treatment system that has been designated an imminent threat to public health. For the purposes of this provision, a sewage treatment system shall be considered compliant if the only deficiency is the size of the system or any setback of the sewage treatment system as prescribed under Section 801(E) of this Ordinance. Subject to the requirements of Section 802 of this Ordinance, sewage treatment systems installed according to all applicable regulations in effect at the time of installation may be considered as compliant unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems shall be considered noncompliant.

It is unlawful for any person to discharge raw or treated wastewater into a well or boring as described in Minnesota Rules part 4725.2050 or any other excavation in the ground that is not in compliance with this Ordinance.

It is unlawful for any person to construct, maintain or use any SSTS that results in raw or partially treated wastewater seeping or flowing into any surface water unless permitted under the National Pollutant Discharge Elimination System (NPDES) by the MPCA.

It is unlawful for any person to discharge into any SSTS any hazardous or deleterious substance that may adversely affect the treatment or dispersal performance of the system or the groundwater quality.

#### **Section 804. Nonconforming Sewage Treatment System**

A sewage treatment system that does not meet the requirements of this Ordinance must be upgraded within one (1) year of the discovery date of the noncompliance. A nonconforming sewage treatment system also must be upgraded any time that a variance or permit of any type is required for any improvement on, or use of, the property. If central services are available in an abutting street or alley within two-hundred (200) feet of the residents' structure, such resident shall connect to the sewer and/or water service if such service may be legally provided. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the setback of the sewage treatment system from the property boundary.

Before a permit may be issued, the Planning Administrator shall cause such inspections which are necessary to determine if the sewage treatment system is compliant. The Joint Planning Board requires upgrading or replacement of any nonconforming system identified through this program within one (1) year of identification by the Planning Administrator or Planning Commission. Sewage Treatment systems installed according to the applicable shoreland management regulations adopted under MS Chapter 103, in effect at the time of such installation, shall be considered as conforming, unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems shall be considered nonconforming.

#### **Section 805. Sewage Treatment Permit Requirements**

No person, firm or corporation shall repair, alter, install or extend any individual sewage treatment system without first obtaining a permit therefore from the JPB for the specific installation, alteration, repair or extension to be performed. Installation, construction, or modification shall be performed by a MPCA licensed sewage treatment installer. Said installer shall be responsible for obtaining a sanitary sewer permit prior to beginning any construction or modification. Permits shall be valid through December 31<sup>st</sup> in the year that said permit is issued.

- A. Applications for permits shall be made in writing upon forms provided by the JPB, and shall be signed by the applicant(s) and/or the licensed contractor who will perform the work.
- B. Each application for a sewage treatment system shall include:
  1. A copy of the deed of the property on which the proposed repair, installation, alteration, or extension will occur, if requested.

2. A signed copy of the site evaluation report prepared by a state licensed site evaluator with their license number affixed to the copy. The site evaluation shall include at least four (4) soil borings for new sites.
3. A plan of the site drawn to reasonable scale and accuracy showing: the location of any proposed and existing buildings, water supply, property lines, underground and overhead utility lines, names of neighbors to either side (with addresses) with the location of their existing water supply indicated and an arrow indicating the direction of North.
4. A signed copy of the system design prepared by a state licensed designer with their license number affixed to the copy with a complete plan of the sewage treatment system showing the location, size and design of all parts of the system to be repaired, installed, altered, or extended. All system design information shall be prepared on the current standardized U of M Extension Service SSTS Program Forms.
5. The name and license number of the person, firm or corporation which will install the system.
6. Any other pertinent information as requested by the Joint Planning Board or its agent at the time of application.

**Section 806. Revision to Approved Plan**

In the event that necessity requires a modification to an approved plan, the state licensed installer shall, before commencing or resuming construction of the system, contact the Planning Administrator and submit to the JPB a revised plan including the proposed modification. Any revised plan shall be approved in writing by a licensed designer prior to approval by the JPB or its agent.

**Section 807. Certification**

Any individual, firm, corporation, or other entity engaged in the diagnosis of soils through site evaluations, repair, construction, installation, modification or design of sewage treatment systems must be licensed by the MPCA. All MPCA licensed persons may be required to provide proof of licensure either at the time of application for a permit or on site during an inspection. All applications for permits shall include license numbers of individuals completing design and/or work.

**Section 808. Sewage Treatment System Inspection**

All individual sewage treatment system construction, alteration, repair and expansions require an inspection by a State licensed Inspector, with the exception of the repair or replacement of pumps, floats or electrical devices associated with the pump tank. The installation and construction of the individual sewage treatment system shall be in accordance with the approved site evaluation and design. Inspections shall be conducted by a JPB Inspector at least once during the construction or repair of the individual sewage treatment system. If any individual sewage treatment system component is covered before being inspected, it may be required to be uncovered upon the direction of the Inspector. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the designer, and approved

by JPB staff prior to completion of construction. Said review and acceptance shall be in the form of a written document.

A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Inspector following an on-site inspection or review of as-built plans, site evaluation and design report. A Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner and the permitting agency by the Inspector. As soils cannot be accurately reviewed and certified when the surface ground is frozen. Because of this concern, a compliance inspection will not be approved from November 15<sup>th</sup> to February 15<sup>th</sup>.

The JPB may conduct random inspections to determine compliance with this Ordinance. Random inspections may be made on newly permitted on site individual septic systems installations, modifications or repair to assure that permitted systems are being properly constructed and installed in compliance with what was permitted by the issuance of a permit by the JPB.

### **Section 809. Water Supply Standards**

All public or private supplies of water for domestic purposes must meet or exceed the standards for water quality of the Minnesota Department of Health, Minnesota Rules Chapter 4725 and the Minnesota Pollution Control Agency.

All installations of SSTS shall meet the required setbacks and other regulations set forth therein.

### **Section 810. Amendments to Adopted Standards**

The JPB hereby adopts by reference the local standards set out in Section 10 of the Beltrami County SSTS Ordinance No. 32 as amended, as well as the following additional standards:

- A. All lots created after January 23, 1996 that are not intended for connection to a municipal wastewater treatment system shall have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, or at-grade systems as described in MN Rules, parts 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.
- B. An observation pit is required for system inspection. The pit shall be dug to demonstrate the soil classification, depth of installation of the system and depth to the restrictive layer. A wooden lathe shall be placed in the pit and clearly marked to show the depths of the bottom of the system and the separation of same from the restricting layer. Said pit shall remain open until the inspector has photographed it as part of the inspection.
- C. Determination of Hydraulic Loading Rates and SSTS sizing shall be determined as indicated in Table IX from Minnesota Rules part 7080.2150, Subp. 3(E).
- D. All land application of septage shall be as permitted by Beltrami County.
- E. SSTS may only be installed in accordance with class I standards as indicated in MN Rules, parts 7080.1860, Table IV, 7080.1880 and 7080.1885.

F. Compliance Inspections for existing systems shall include the following determinations:

Water tightness of all tanks in the system to include a leakage report.

Vertical separation distance between the bottom of the treatment dispersal area and the periodically saturated soil or bedrock.

The size of the system in relationship to the existing bedrooms or flow determination.

Sewage backup, surface discharge, surface seepage to include a hydraulic function report.

G. Compliance inspections for new or replacement systems shall include, but are not limited to, the following:

1. Verification of sizing in relationship to bedrooms or flow demand;
2. Verification of soil separation/periodically saturated soil horizons;
3. Verification of water tightness of the system connections;
4. Verification of need and installation of insulation on tanks;
5. Verification of installation of alarms and filters;
6. Verification of all setbacks;
7. Verification of pumping access;
8. Verification of operating permit if applicable;
9. Verification of depth of treatment system; and
10. Review of the design against the installation.

H. A management plan is required for all new and replacements for SSTS.

I. An operation permit is required for Type IV and V systems and mid-sized sewage treatment systems. Those systems that currently do not have an operation permit must be maintained as specified in Minn. R. 7080.2450.

J. All owners of Class V wells must submit inventory information to the US Environmental Protection Agency (EPA).



## **Section 811.     Dispute Resolution**

In the event there are conflicting site designs, soil evaluations or changes to the original design, the following process will be used in an attempt to resolve any resulting disputes:

- A. The Planning Administrator will review and evaluate all existing designs.
- B. The Planning Administrator will meet with all parties involved in the design and installation to review the differences in the evaluations or designs.
- C. If no resolution is reached a site visit will be conducted with all parties present. A minimum of at least one soil pit will be examined.
- D. If no resolution is determined at that point, the Planning Administrator will make a final determination. Documentation of that determination will be provided to each party involved within ten working days. The Joint Planning Board may involve professional services of a soil scientist in reaching the aforementioned determination. If that becomes necessary it shall be the responsibility of the disputing parties to pay the costs of those services prior to engaging said service.