

**7082.0100 REQUIREMENTS FOR LOCAL ORDINANCES.**

Subpart 1. **Requirement.** All SSTS ordinances must contain the provisions in items A to C.

A. A provision requiring the upgrade, replacement, repair, or discontinued use of a system failing to protect groundwater as described in part 7080.1500, subpart 4, item B, within a specified time period after the owner receives a notice of noncompliance.

B. A provision requiring the upgrade, replacement, repair, or discontinued use of a system that represents an imminent threat to public health or safety as described in part 7080.1500, subpart 4, item A, within ten months after the owner receives a notice of noncompliance or within a shorter period if required by an applicable local ordinance.

C. Local ordinance requirements regulating vertical separation for systems built before April 1, 1996, in systems that are not SWF as defined in part 7080.1100, subpart 84, must meet the requirements in part 7080.1500, subpart 4, item E.

Subp. 2. **List of differences.** A local unit of government must prepare and make available to the commissioner, and to the public upon request, a written list of all technical and administrative differences between its ordinance and chapters 7080 and 7081.

Subp. 3. **Additional ordinance requirements for all programs.** Ordinances adopted by a local unit of government under part 7082.0050 must contain the provisions in items A to R.

A. A provision that requires all design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS to be completed by an appropriately licensed business, an appropriately certified qualified employee, or a person exempted under part 7083.0700, subpart 1. A local unit of government is not authorized to require additional local licenses, local registrations, local certificates, or other similar professional credentials to perform SSTS work.

B. A provision that requires abandonment of SSTS, or part thereof, that will no longer be used, according to part 7080.2500.

C. Technical standards and criteria for new and existing SSTS that adequately protect the public health and environment, as determined by parts 7080.1500, 7080.2150, subpart 2, and 7081.0080. The local unit of government is authorized to specifically adopt technical standards in parts 7080.1710 to 7080.2400 and 7081.0110 to 7081.0290.

D. Whether variances to local ordinance provisions are allowed and, if so, the specific variance procedures required to obtain a variance from local ordinance requirements.

E. Provisions for design review, permit issuance, construction inspection, and system management.

F. A provision that requires that all lots created after January 23, 1996, have a minimum of two soil treatment and dispersal areas that support systems as described in parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

G. A provision that specifies the conditions necessary to allow the use of holding tanks. The ordinance must specify holding tank operation and maintenance requirements. At a minimum, a monitoring and disposal contract signed by the owner and a licensed maintenance business is required unless the owner is a farmer exempt from licensing under Minnesota Statutes, section 115.56, subdivision 2 paragraph (b), clause (3). The homeowner is responsible for ensuring that the contract guarantees the removal of the tank contents before overflow or any discharge.

H. A provision that prohibits surface discharge of sewage from SSTS unless issued a national pollution discharge elimination system permit by the agency.

I. A provision specifying the allowable use and location of SSTS in floodplains in compliance with applicable state and local requirements.

J. A provision requiring that a management plan be submitted by the designer to the local unit of government before issuance of a construction permit for all new or replacement ISTS as described in part 7080.1100, subparts 51 and 66.

K. A provision requiring operating permits for all systems installed under parts 7080.2350 and 7080.2400 and chapter 7081. An operating permit is recommended for holding tanks regulated under part 7080.2290.

L. For systems not operated under a management plan, a provision requiring solids removal from septic tanks or determination of the need to remove solids from septic tanks no less than every three years. The ordinance must require removal of solids if the solids accumulation needs to be removed based on part 7080.2450.

M. A provision requiring that all owners of new or replacement Class V injection wells, as defined in Code of Federal Regulations, title 40, part 144, submit inventory information to the Environmental Protection Agency and the agency and that all Class V wells be identified as such in property transfer disclosures.

N. A provision outlining how conflicting inspections and other technical disputes between SSTS certified individuals will be resolved if they occur as described in part 7082.0700, subpart 5.

O. A provision specifying what level of local approval is needed for repair, rejuvenation, or remediation of SSTS, as defined in local ordinance.

P. A provision specifying the allowed methods to determine the loading rate from part 7080.2150, subpart 3, item E, Table IX or IXa, for sizing of soil treatment and dispersal systems.

Q. A provision that requires all sewage generated in the jurisdiction to be treated either in an agency-permitted facility or a system that meets the requirements of an ordinance adopted under this chapter.

R. If the ordinance allows a reduced vertical separation distance as described in part 7080.1500, subpart 4, item D, it must not allow more than a 15 percent reduction in the vertical separation distance to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions.

Subp. 4. **Ordinance requirements for performance programs.** Performance programs are broader in scope than conventional programs and go beyond the minimum technical requirements of this chapter. Performance programs must meet the requirements of subpart 3 and items A to J.

A. An education program must be established to educate owners on the purpose, use, and care of SSTS and notify owners of impending scheduled submittals of compliance monitoring reports.

B. A program must be established to evaluate potential risks of SSTS-receiving environments, inform the local planning authority of changes in regulations, and evaluate the potential impacts of SSTS regulation changes on land use.

C. A program must be established to determine performance requirements necessary to protect public health and water resources for each defined receiving environment in the regulatory jurisdiction. At a minimum, the performance requirements must protect underground sources of drinking water according to chapter 4717 and protect surface waters according to chapter 7050.

D. The ordinance must establish site evaluation requirements that define the process to characterize the receiving environment.

E. A program must be established to administer renewable operating permits issued to system owners, stipulating system performance and compliance monitoring requirements renewable upon documentation of compliance with operating permit stipulations. The program must provide for tracking and reviewing compliance monitoring reports for timely submittal by owners and ensuring the system is operating within its performance requirements stipulated in the operating permit.

F. A program must be established to track residuals hauling, treatment, and disposal according to Code of Federal Regulations, title 40, part 503, and Use and Disposal of Sewage Sludge, Code of Federal Regulations, title 40, part 257, and applicable state, tribal, and local requirements.

G. A program must be established for notifying owners of pending scheduled submittals of compliance monitoring reports and performing system inspections randomly or at the time of operating permit renewal.

H. An enforcement program must be established that includes penalties for failure to comply with the compliance schedule and requires system assessments by a certified inspector at the time of operating permit renewal.

I. A record-keeping program must be established that includes a database inventory of all systems, including locations, site evaluations, record drawings, permits, and inspection reports, tracking for operating permits, and compliance reporting.

J. A financial assistance and funding program must be established providing the legal and financial support to sustain the management program.

Subp. 5. **More restrictive.** Technical or administrative requirements in local ordinances are allowed to be more restrictive than this chapter.

**Statutory Authority:** *MS s 115.03; 115.55*

**History:** *32 SR 1413; 35 SR 1353*

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