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PINE COUNTY SUBSURFACE SEWAGE TREATMENT SYSTEMS ORDINANCE

Drafted By:
Pine County Land Services Department
1602 State Hwy 23 N
Sandstone, MN 55072

THE BOARD OF COMMISSIONERS OF PINE COUNTY, MINNESOTA DOES ORDAIN:

This is an ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:

1. Minimum standards for and regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Pine 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.;
7. Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes §103F, §103G, §115.55, §145A.05, §375.51, §394.21-394.37, and §462.353, along with the applicable Minnesota Rules, Pine County Comprehensive Plan, Pine County Shoreland Management Ordinance, Pine County Flood Plain Ordinance, Kettle River Wild and Scenic River Ordinance, and the Pine County Subdivision and Platting Ordinance.

ARTICLE 1. PURPOSE AND INTENT

1.01 Purpose

The purpose of this Ordinance is to establish minimum requirements for regulation of ISTS and MSTS for the treatment and dispersal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

1.02 Intent

It is intended by the County that this Ordinance will promote the following:

- A. The protection of lakes, rivers, streams, wetlands, and groundwater in Pine County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County.
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

1.03 Authority

This Ordinance is adopted pursuant to Minnesota Statutes §115.55, Minnesota Statutes §145A.01 through §145A.08, Minnesota Statutes §375.51, or successor statutes, and Minnesota Rules, Chapter 7081, Chapter 7081, Chapter 7082, or successor rules.

1.04 Effective Date

The provisions set forth in this Ordinance shall become effective on April 1, 2014.

ARTICLE 2. DEFINITIONS

The following words and phrases shall have the meanings ascribed to them in this subdivision. If not specifically defined in this subdivision, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

Authorized Representative: An employee or agent of the County Land Services Department.

Bedroom: A room that is designed or used for sleeping or a room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway.

Board of Adjustment: A board established by county ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes §394.21 to §394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 and 146).

Cluster System: A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

County: Pine County, Minnesota.

County Board: The Pine County Board of Commissioners.

Department: The Pine County Land Services Department.

Design Flow: The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Existing Systems: Systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

Failure 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 Minnesota Rules Chapter 7080.1500 Subp. 4D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 4.05 of this Ordinance.

Imminent Threat to Public Health and 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. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 4.05 of this Ordinance.

ISTS: An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Lot: A parcel of land in a plat recorded in the office of the county recorder or registrar of title or a parcel of land created and conveyed, using a specific legal description, for a building site to be served by an ISTS.

Malfunction: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

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

Minor Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

MSTS: A "midsized subsurface sewage treatment system" under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

New Construction: Installing or constructing a new ISTS or altering, extending, or adding capacity to a system that has been issued an initial certificate of compliance.

Notice of Noncompliance: A written document issued by the Department or certified inspection business notifying a system owner that the owner's onsite/cluster treatment system has been observed to be non-compliant with the requirements of this Ordinance.

MPCA: Minnesota Pollution Control Agency.

Qualified Employee: An employee of the state or a local unit of government who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted as defined in Minnesota Rule 7083.1010.

Periodically saturated soil: The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part 7080.1720, subpart 5, items E and F, or as determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.

Privy: An above ground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing or graywater.

Record Drawings: A set of drawings, which to the fullest extent possible, document the final in-place location, size and type of all SSTS components, including the results of any materials testing performed and a description of conditions during construction of the system.

Redoximorphic features: A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color or a soil matrix color controlled by the presence of ferrous iron. Also described in part 7080.1720 subpart 5 item E.

Sewage: Waste from toilets, bathing, laundry or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS: Subsurface sewage treatment system including an ISTS, MSTS or LSTS

State: The State of Minnesota.

Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following:

Level A: $cBOD_5 \leq 15$ mg/L; $TSS \leq 15$ mg/L; fecal coliforms $\leq 1,000/100$ mL.

Level A-2: $cBOD_5 \leq 15$ mg/L; $TSS \leq 15$ mg/L; fecal coliforms N/A.

Level B: $cBOD_5 \leq 25$ mg/L; $TSS \leq 30$ mg/L; fecal coliforms $\leq 10,000/100$ mL.

Level B-2: $cBOD_5 \leq 25$ mg/L; $TSS \leq 30$ mg/L; fecal coliforms N/A.

Level C: $cBOD_5 \leq 125$ mg/L; $TSS \leq 60$ mg/L; fecal coliforms N/A.

Type I System: An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

Type II System: An ISTS with acceptable modifications or sewage containing containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

Type III System: A custom designed ISTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

Type IV System: An ISTS, having a registered pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

Type V System: An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

ARTICLE 3. GENERAL PROVISIONS

3.01 Scope

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

3.02 Jurisdiction

The jurisdiction of this Ordinance shall include all lands of the County except for political subdivisions that effectively administer and enforce a SSTS program by ordinance within their jurisdiction, which is at least as strict as this Ordinance. Such ordinance must be reviewed by the MPCA as required in Minnesota Rule 7082.0040 Subpart 3. The County must permit and inspect SSTS within political subdivisions that do not administer an effective SSTS ordinance. The County Land Services Department shall keep a current list of local jurisdictions within the County administering a SSTS program.

3.03 Administration

3.03.01 County Administration. The County Land Services Department shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the County shall review this and revise and update this Ordinance as necessary. The County shall employ or retain under contract qualified employees or appropriately licensed professionals to administer and operate the SSTS program.

3.03.02 State of Minnesota. Where a single SSTS or group of SSTS under single ownership within one-half mile of each other, have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System permit from MPCA. For any SSTS that has measured daily flow for a consecutive seven-day period which equals or exceeds

10,000 gallons per day, a State Disposal System permit is required. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Ordinance.

3.03.03 Cities and Townships. Any political subdivision within the county that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the political subdivision may be administratively and technically more restrictive than this Ordinance.

Political subdivisions that wish to administer a SSTS program within the shoreland areas of their jurisdiction must have a shoreland ordinance approved by the Commissioners of Natural Resources in addition to an SSTS ordinance.

If a political subdivision adopts an ordinance more restrictive than the county, the county will not inspect nor enforce an ordinance without a written agreement between the political subdivision and the county.

3.04 Validity

The validity of any part of this Ordinance shall not be affected by the invalidity of any other parts of this Ordinance where the part can be given effect irrespective of any invalid part or parts.

3.05 Liability

No liability or responsibility shall be imposed upon the county or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the construction, operation, or abandonment of any SSTS regulated under this rule by reason of standards, requirements or inspections authorized hereunder.

ARTICLE 4. GENERAL REQUIREMENTS

4.01 Retroactivity

4.01.01 All SSTS

Except as explicitly set forth in Subdivision 4.01.02, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally installed.

4.01.02 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.

4.01.03 SSTS on Lots Created After January 23, 1996

All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp.3 through 7 at the time the plat or subdivision is approved.

A cluster SSTS that have a common interest lot where a central system is located shall meet this requirement by having the minimum of two soil treatment and dispersal areas on the designated lot.

4.02 Upgrade, Repair, and Replacement

4.02.01 SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

4.02.02 Shorelands

An SSTS not meeting or exceeding the requirements Minnesota Rules Chapters 7080 and 7081 as adopted by reference in Section 5.01 of this Ordinance must be upgraded, at a minimum, prior to recording any property title transfers or contracts for deed beginning January 1, 1994 or at any time a permit or variance of any type is required for any improvement on, or use of, the property within the shoreland areas of the county.

4.02.03 Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 18 months of receipt of a Notice of Noncompliance.

4.02.04 Imminent Threat to Public Health or Safety

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance.

4.03 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 of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all local requirements are met.

4.04 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 by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

4.05 SSTS Practitioner Licensing

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700 Subp. A to Subp. I.

4.06 Prohibitions

4.06.01 Occupancy or Use of a Building Without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building intended for habitation unless it has a wastewater treatment system that disposes of wastewater in a manner that complies with the provisions of this Ordinance.

4.06.02 Sewage Discharge to Ground Surface or Surface Water

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 the MPCA.

4.06.03 Sewage Discharge to a Well or Boring

It is unlawful for any person 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.

4.06.04 Discharge of Hazardous or Deleterious Materials

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.

ARTICLE 5. SSTS STANDARDS

5.01 Standards Adopted by Reference

The County hereby adopts by reference the 2011 Minnesota Rules, Chapters 7080 through 7083 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute §115.55 and applicable Minnesota rules within the Department of Natural Resources Chapter 6120. This Ordinance shall also include standards described in the Pine County Shoreland Management Ordinance, Pine County Flood Plain Ordinance, Kettle River Wild and Scenic River Ordinance, and Pine County Subdivision and Platting Ordinance or in the rules in applicable Chapters are also adopted by reference.

5.02 Amendments to the Adopted Standards

5.02.01 List of Adopted Standards

a. Design flow determination for dwellings will be designed for class 1 buildings only. The design flow for bedrooms is determined by multiplying 150 gallons by the number of bedrooms.

5.02.02 Determination of Hydraulic Loading Rate and SSTS Sizing

Table IX "Loading Rates for Determining Bottom Absorption area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detailed Soil Descriptions" and Table IXa entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) are herein adopted by reference and either shall be used to size SSTS infiltration areas for SSTS design.

5.02.03 Compliance Criteria for Existing SSTS

SSTS built before April 1, 1996 that is not located in Shoreland area, wellhead protection area, or is not a commercial establishment where food, beverage, or lodging are served or provided, must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall 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 (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. 7080.1500, Subp. 4.

5.02.04 Holding Tanks

- A. Holding tanks may be allowed in any of the following applications:
 - i. For legal lots of record where it can be shown conclusively that a Type I SSTS permitted under this Ordinance cannot be feasibly installed;
 - ii. Where there is limited water use such as seasonal properties, sensitive sites, parks, playgrounds, etc;
 - iii. As temporary disposal method to alleviate an imminent threat to public health or during construction, repair, or replacement of new and existing systems.
- B. Holding tanks must be used under the following conditions:
 - i. The owner shall install a holding tank in accordance with Minnesota Rules Section 7080.2290;
 - ii. The owner shall install a water meter to continuously record indoor water use;
 - iii. The owner shall maintain a valid contract with a licensed maintainer to pump and dispose of septage according to the applicable standards in Code of Federal Regulations, title 40, part 503; and
 - iv. The owner must maintain current and historical records of maintainer pumping; volume of liquid removed; and the water meter reading at the time of pumping; all for Department review upon request. Volumes removed shall coincide with metered water use readings.

5.02.05 Privies

Privies are permitted provided they meet vertical separation and/or vault guidelines depicted in MN State Rules 7080.2150 and 7080.2280.

5.03 Variances

5.03.01 Variances Requests

A property owner may request a variance from the standards as specified in this Ordinance pursuant to County policies and procedures.

5.03.02 Affected Agency

Variations that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

5.03.03 Board of Adjustment

- A. Any property owner requesting relief from the strict application of the provisions in this Ordinance must complete and submit an Application for Variance to the Department on a form provided by the Department. The variance request must include, as applicable:
 - i. A statement identifying the specific provision or provisions in the ordinance from which the variance is requested;
 - ii. A description of the hardship that prevents compliance with the rule;
 - iii. The alternative measures that will be taken to achieve a comparable degree of compliance with the purposes and intent of the applicable provisions;
 - iv. The length of time for which the variance is requested;
 - v. Cost considerations only if a reasonable use of the property does not exist under the term of the ordinance; and
 - vi. Other relevant information requested by the Department as necessary to properly evaluate the variance requested.
- B. The appropriate fee shall be paid at the time of submittal of the application to receive consideration by the Board of Adjustment
- C. Upon receipt of the variance application, the Department shall decide if a site investigation conducted by the Department will be necessary. After the necessary information has been gathered, the Department shall make a written recommendation to approve or deny the variance to the Board of Adjustment.
- D. The Board of Adjustment shall make the final decision after conducting a public hearing. The variance may be granted provided that:
 - i. The condition causing the demonstrated hardship is unique to the property and was not caused by the actions of applicant;
 - ii. The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to property values in the vicinity;
 - iii. The property owner would have no reasonable use of the land without the variance;
 - iv. The granting of the variance would not allow a prohibited use; and
 - v. The granting of the variance would be in accordance with Minnesota Rules, Chapters 7080, 7081, and 7082.
- E. In granting a request for a variance, the Board of Adjustment may attach such conditions as it deems necessary to conform to the purpose and intent of this Ordinance.
- F. Any violation of the terms and conditions of a variance issued pursuant to this Ordinance, or any violation of any provision of this Ordinance relating to the specific issue of the variance, shall result in immediate revocation of the variance.
- G. Any variance granted shall automatically expire if the system is not installed within one year of the grant of the variance.

- H. Any appeal from any order, requirement, decision, or determination of the Board of Adjustment in accordance with its policies and procedures.

ARTICLE 6. SSTS PERMITTING

6.01 Permit Required

It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Land Services Department, Pine County. The issuing of any permit, variance, or conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

6.02 Construction Permit

A construction permit must be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioner(s).

6.02.01 Activities Requiring a Construction Permit

A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

6.02.02 Activities Not Requiring a Permit

A construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout or function.

6.02.04 Permit Application Requirements

Construction permit applications shall be made on forms provided by the Land Services Department and signed by the applicant and an appropriately certified practitioner including the practitioner's certification number and date of expiration. The applications shall include the documents listed in items A through E below.

- A. Name, mailing address, telephone number and email address.
- B. Property identification number and address or other description of property location.
- C. Site evaluation report as described in Minnesota Rules, Chapter 7080.1730.
- D. Design report as described in Minnesota Rules, Chapter 7080.2430.
- E. Management plan as described in Minnesota Rules, Chapter 7082.0600.

6.02.05 Application Review and Response

The Department shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. The Department

shall complete the review of the amended application within 15 working days of receipt of the amended application. If the permit application is incomplete or does not meet the requirements of this Ordinance, the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

6.02.06 Appeal

The applicant may appeal the Department's decision to deny the construction permit in accordance with the County's established policies and appeal procedures.

6.02.07 Permit Expiration

The construction permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

6.02.08 Extensions and Renewals

The Department may grant an extension of the Construction Permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than 12 months.

6.02.09 Transferability

A construction permit may be transferred to a new owner provided the new owner follows the design and permit as it has been issued and the site and soil conditions have not been altered or otherwise damaged.

6.02.10 Suspension or Revocation

The Department may suspend or revoke a construction permit issued under this section for any false statements, misrepresentations of facts on which the construction permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid construction permit is obtained.

6.02.11 Posting

The construction permit shall be posted on the property in such a location and manner so that the permit is visible and available for inspection until construction is completed and certified.

6.03 Operating Permit

6.03.01 SSTS Requiring an Operating Permit

An operating permit shall be required of all owners of Type IV, V, MSTS or any other system deemed by the Department to require operational oversight.

Sewage shall not be discharged to a MSTS until the Department certifies that the MSTS was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTS, and a valid operating permit issued to the owner.

6.03.02 Operating Permit Application Requirements

- A. Application for an operating permit shall be made on a form provided by the Land Services Department including:
 - i. Owner name, mailing address, telephone and email address;
 - ii. Construction permit reference number and date of issue;
 - iii. Final record drawings of the treatment system; and
 - iv. Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business.
- B. Monitoring and Disposal Contract
Owners of holding tanks shall provide to the Land Services 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 §115.56, Subd. 2(b)(3).

6.03.03 Department Response

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 within 10 working days of receipt of the permit application.

6.03.04 Operating Permit Terms and Conditions

The operating permit shall include the following (see Minnesota Rules, Chapter 7082.0600, Subp. 2B):

- A. System performance requirements;
- B. System operating requirements;
- C. Monitoring locations, procedures and recording requirements;
- D. Maintenance requirements and schedules;
- E. Compliance limits and boundaries;
- F. Reporting requirements;
- G. Department notification requirements for non-compliant conditions;
- H. Valid contract between the owner and a licensed maintenance business;
- I. Disclosure, location and condition of acceptable soil treatment and dispersal system site; and
- J. Descriptions of acceptable and prohibited discharges.

6.03.05 Operating 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 as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the County may require that the system be abandoned in accordance with Minnesota Rule 7080.2500.
- C. The Department shall notify the holder of an operating permit at least 90 calendar days 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:
 - i. Applicant name, mailing address and phone number;
 - ii. Reference number of previous owner's operating permit;
 - iii. Any and all outstanding Compliance Monitoring Reports as required by the operating permit;
 - iv. Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the County;
 - v. Any revisions made to the operation and maintenance manual; and
 - vi. Payment of application review fee as determined by the County.

6.03.06 Amendments to Existing Permits not Allowed

The County 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.

6.03.07 Transfers

The operating permit may be transferred. The new owner shall notify the department of their ownership within 60 days of the sale of a property operated under an operating permit.

6.03.08 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 as a holding tank, or abandoned in accordance with Article 4.
- D. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

6.03.09 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 serving activities performed since the last compliance monitoring report as described below:

- i. Owner name and address;
- ii. Operating permit number;
- iii. Average daily flow since last compliance monitoring report;
- iv. Description of type of maintenance and date performed;
- v. Description of samples taken (if required), analytical laboratory used, and results of analyses;
- vi. Problems noted with the system and actions proposed or taken to correct them; and
- vii. Name, signature, license and license number of the licensed professional who performed the work.

6.04 Abandonment Certification

6.04.01 Purpose

The purpose of the System Abandonment Certification is to ensure that a treatment system with no future intent for use be abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety and water quality. It also terminates all permits associated with the system.

6.04.02 Abandonment Requirements

- A. Whenever the use of a SSTS or any system component is discontinued with no future intent of use 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, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.
- B. An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system within 60 calendar days of a system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification of the Department of an owner's intent to abandon a system is necessary.
- C. A report of abandonment certified by the licensed installation business shall be submitted to the Department. The report shall include:
 - i. Owner's name and contact information;
 - ii. Property address;
 - iii. System construction permit and operating permit;
 - iv. The reason(s) for abandonment; and
 - v. A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals.

6.04.03 Abandonment Certificate

Upon receipt of an abandonment report and its determination that the SSTS has been abandoned according to the requirements of this Ordinance, the Department shall issue an abandonment certificate. If the abandonment is not completed according to the requirements of this Ordinance, the County

shall notify the owner of the SSTS of the deficiencies, which shall be corrected within 30 calendar days of the notice.

ARTICLE 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 for review and approval. 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 (Minnesota Rules, Chapter 7082.0600, Subp. 1):

- 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; and
- F. Other requirements as determined by the Department.

7.03 Requirements for Systems Not Operated Under a Management Plan

Minnesota Rules Chapter 7082.0100, Subp. 3(L) requires SSTS that are not operated under a management plan or operating permit should 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.

ARTICLE 8. COMPLIANCE MANAGEMENT

8.01 Compliance Inspection Program

8.01.01 Department Responsibility

It is the responsibility of the Department, or its agent, to perform various SSTS compliance inspections as necessary or required.

- A. SSTS compliance inspections must be performed:
 - i. To ensure compliance with applicable requirements.
 - ii. Whenever a permit or variance of any type is required for an improvement on, or use of, the property in shoreland areas of the county as defined in the Pine County Shoreland Management Ordinance.
 - iii. For all new SSTS construction or replacement.
 - iv. Prior to the sale of a property which is required to be serviced by a SSTS.
 - v. For an evaluation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by MPCA.
- B. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.

8.01.02 New Construction or Replacement

- A. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081.
- B. It is the responsibility of the SSTS owner or the owner's agent to notify the Department two calendar days prior to any permitted work on the SSTS.
- C. A certificate of compliance for new SSTS construction or replacement, which shall be valid for five years, 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.
- D. 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 which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
- E. The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed. The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within 15 calendar days of receipt from the certified inspector. No SSTS shall be placed into operation until a valid certificate of compliance has been issued.
- F. Certificates of compliance for new construction or replacement shall remain valid for five years from the date of issue unless the Department finds evidence of noncompliance.
- G. SSTS that are managed by an operating permit must be maintained, monitored or otherwise managed according to the operating permit. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.

8.01.03 Existing Systems

- A. Compliance inspections shall be required when any of the following conditions occur:
 - i. When a construction permit is required to repair, modify, or upgrade an existing system.
 - ii. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
 - iii. At the time of property sale or transfer (see 8.01.04).
 - iv. At any time an increase in the number of bedrooms of a dwelling which requires a permit from the city or township.
 - v. Any permit or variance application under the Pine County Shoreland Management Ordinance.
 - vi. When an operating permit is to be renewed.
 - vii. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

- B. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions must be assessed or verified:
 - i. Watertightness assessment of all treatment tanks including a leakage report;
 - ii. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical separation verification report; and
 - iii. Sewage backup, surface seepage, or surface discharge.
- C. The certificate of compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is 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 include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
- D. The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed. The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the other's agent within 15 calendar days of receipt from the licensed inspection business.
- E. Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

8.01.04 Transfer of Properties

- A. Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:
 - i. A compliance inspection has been performed and a certificate of compliance has been issued and on file with the Department within three years for SSTS older than five years or within five years if the system is less than five years old prior to the intended sale or transfer of the property, unless evidence is found identifying an imminent threat to public health or safety;
 - ii. The compliance inspection must have been performed by a Qualified Employee of the Department or a licensed inspection business following procedures described in Section 8.01.03 of this Ordinance;
 - iii. The seller of the property must disclose in writing information about the status and location of all known ISTS on the property to the buyer on a form acceptable to the Department.
 - iv. If the seller fails to provide a certificate of compliance, sufficient security in the form of an escrow agreement to assure the installation of a complying ISTS shall be established. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The amount escrowed shall be equal to 150% of a written estimate to install a complying ISTS provided by a licensed and certified installer, or the amount escrowed

shall be equal to 110% of the written contract price for the installation of a complying ISTS provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the Department shall provide the escrow agent a copy of the certificate of compliance.

- v. In absence of the escrow account according to Section 8.01.04, Subp. A(iv) above, the buyer shall be responsible for the necessary inspection and upgrading of said SSTS.
- B. The compliance portion of the certificate of compliance need not be completed if the sale or transfer involves the following circumstances:
- i. The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
 - ii. The transfer does not require the filing of a Certificate of Real Estate Value as described in Minnesota Statutes §272.115, Subd. 1.
 - iii. The transfer is a tax forfeiture.
 - iv. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such a contract.
 - v. Any dwellings or other buildings that are connected exclusively to a municipal wastewater treatment system; any dwellings or other buildings that are located within the jurisdiction of a county approved agreement requiring exclusive connection to the wastewater treatment system of any municipality; or any dwellings or other buildings that are connected exclusively to an approved wastewater treatment facility other than an individual sewage treatment system.
- C. All property conveyances subject to this Ordinance occurring during the period between November 15th and April 15th, when SSTS compliance cannot be determined due to frozen soil conditions, shall require a winter agreement, which includes an application for an SSTS permit and an agreement to complete a compliance inspection by the following June 1st by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the permit fee will be refunded. If upon inspection the system is found to be non-compliant, an escrow agreement must be established in accordance with Section 8.01.04A(iv) above, and the system upgraded.
- D. The responsibility for filing the completed compliance portion of the certificate of compliance under 8.01.04A, above, or for upgrading a system found to be non-compliant shall be determined by the buyer and seller. Buyer and seller shall provide the Department with a signed statement indicating responsibility for completing the compliance portion of the Certification and for upgrading a system found to be non-conforming.
- E. Neither the issuance of permits, certificates of compliance, or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

ARTICLE 9 ENFORCEMENT

9.01 Violations

9.01.01 Cause to Issue a Notice of Violation

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provision hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

9.01.02 Notice of Violation

The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

- A. A statement documenting the findings of fact determined through observations, inspections, or investigations;
- B. A list of specific violation(s) of this Ordinance;
- C. Specific requirements for correction or removal of the specified violation(s); and
- D. A mandatory time schedule for correction, removal and compliance with this Ordinance.

9.01.03 Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other county ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

9.02 Prosecution

In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

9.03 Cost and Reimbursements

If the Department is required to remove or abate an imminent threat to public health or safety, the Department may recover all costs incurred in removal or abatement in a civil action, including legal fees; at the discretion of the County Board, the cost of an enforcement action under this Ordinance may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor shall extend the cost of as assessed and charged on the tax roll against said real property.

9.04 State Notification of Violation

The Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

ARTICLE 10 RECORD KEEPING

The County 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 in the county sorted by licensed installation businesses, and other records relevant to each system.

ARTICLE 11 DISPUTE RESOLUTION PROCEDURES

- A. In the event of a dispute between two designers on whether the soil or design meets the minimum requirements of the ordinance the County shall review the site, upon request, and make the final determination.
- B. In the event that a designer and the County have a dispute related to the design or soils meeting the minimum requirements of the ordinance the County shall meet with the designer on-site to review the soils and design. If the dispute is unresolved the County and designer shall request a mutually agreeable soil scientist to review the site. The applicant shall provide a deposit in an amount to be determined by the County to cover the cost of the soil scientist and County review. Both parties shall agree in writing that the soil scientist findings shall be final. If the scientist determines the County correctly interpreted the soils, the deposit will be retained and used to pay the scientist and County, with any extra money refunded to the applicant. If the soil scientist determines the designer was correct, the deposit shall be refunded and the County will pay for the cost of the soil scientist review. If soils are reviewed with the soil scientist that was not previously reviewed by the County the County shall retain the deposit. All reviews with the soil scientist shall be conducted in a pit that is a minimum of 4 feet by 4 feet with a depth of at least 3 feet below the bottom of the proposed system or until bedrock or the water table, whichever is less.

ARTICLE 12 ANNUAL REPORT

The department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

ARTICLE 13 FEES

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

ARTICLE 14 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County

and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

ARTICLE 15 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

ARTICLE 16 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing county ordinances, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

ARTICLE 17 ORDINANCE REPEALED

This Ordinance repeals the Individual Sewage Treatment Systems Ordinance of Pine County adopted July 15, 2003.

ARTICLE 18 ADOPTION

The Pine County Subsurface Sewage Treatment Program Ordinance is hereby adopted by the Pine County Board of Commissioners on the 4th day of February, 2014.



Curt H. Rossow
Chair, Pine County Board of Commissioners

Attest:



David J. Minke
County Administrator

Notice of Public Hearing Published: 1/9/14 & 1/16/14
Public Hearing: 1/21/14
Adopted by County Board: 2/4/14
Publication of Ordinance: 2/13/14
Filed with County Recorder: 2/27/14
Effective Date: 4/1/2014

JAN 31 2014

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

) ss.

COUNTY OF PINE)

TIM FRANKLIN, being duly sworn on oath, says that he is the publisher of the newspaper known as the **Pine County Courier** and has full knowledge of the facts that are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed NOTICE which is attached, was cut from the columns of said newspaper and was printed and published for TWO consecutive weeks; it was first published on Thursday, the 9th day of January 2014, and was thereafter printed every week and last published on Thursday, the 16th day of January 2014; and printed below is a copy of the lowercase alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxy

BY: *Tim Franklin*
Publisher

Subscribed and sworn to before me on this 16th day of January 2014.

Karry A. White Notary Public



Public Notice

NOTICE OF PUBLIC HEARING PINE COUNTY PLANNING, ZONING, AND SOLID WASTE

The Pine County Department of Planning, Zoning, and Solid Waste will conduct a public hearing starting at 10:00 a.m., Tuesday, January 21, 2014, at the Pine County Courthouse Board Room, 635 Northridge Dr NW,

Pine City, Minnesota. The purpose of the public hearing will be to solicit testimony in consideration of the following:

Pine County Subsurface Sewage Treatment Systems: This is an ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. The purpose of this ordinance is to establish minimum requirements for regulation of ISTS and MSTs for the treatment and dispersal of sewage within the jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

This hearing is open to the public at which time you are invited to appear and offer testimony regarding the draft ordinance. Written comments may be entered into the record at the discretion of the Land Services Director, Kelly Schroeder, and may be sent to her attention at 635 Northridge Drive NW, Pine City, MN 55063 or Edward Melzark, Sr Environmental Tech / Zoning Administrator, 1602 Hwy 23, Sandstone, MN 55072. The Draft SSTS may be viewed on the Pine County website under the Planning and Zoning Department section under Ordinances at: www.co.pine.mn.us.

(Published in the Pine County Courier on January 9, 16, 2014)

RATE INFORMATION:
Rate actually charged for the above matter: \$7.52/column inch.

AFFIDAVIT OF PUBLICATION

JAN 31 2014

STATE OF MINNESOTA)

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PINE COUNTY PLANNING,
ZONING, AND SOLID WASTE**

) ss.

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This hearing is open to the public at which time you are invited to appear and offer testimony regarding the draft ordinance. Written comments may be entered into the record at the discretion of the Land Services Director, Kelly Schroeder, and may be sent to her attention at 635 Northridge Drive NW, Pine City, MN 55063 or Edward Melzark, Sr Environmental Tech / Zoning Administrator, 1602 Hwy 23, Sandstone, MN 55072. The Draft SSTS may be viewed on the Pine County website under the Planning and Zoning Department section under Ordinances at:

www.co.pine.mn.us.

(Published in the *Hinckley News*
January 9, 16, 2014)

Ashley Croak, being duly sworn on oath, says that she is the representative of the newspaper known as *The Hinckley News*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

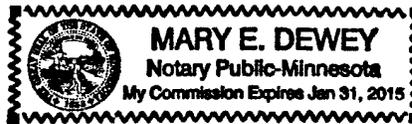
(B) The printed public notice, which is attached, was cut from the columns of said newspaper, and was printed and published for two consecutive weeks; it was published on Thursday, the 9th day of January, 2014 and up to and including the 16th day of January, 2014. Printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: *Ashley Croak*
Ashley Croak
Publishers Representative

Subscribed and sworn to me on this 30 day of Jan, 2014

Mary E Dewey
Notary Public



RATE INFORMATION:

- (1) Lowest classified rate paid by commercial users for comparable space - 20¢/word, \$9.60/inch
- (2) Maximum rate allowed by law for above matter - \$1.20/line, \$9.60/inch
- (3) Rate actually charged for above matter - 61¢/line, \$6.05/inch

JAN 31 2014

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

) ss.

COUNTY OF PINE)

TIM FRANKLIN, being duly sworn on oath, says that he is the publisher of the newspaper known as the **Askov American** and has full knowledge of the facts that are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

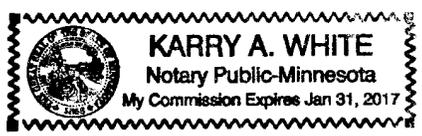
(B) The printed NOTICE which is attached, was cut from the columns of said newspaper and was printed and published for TWO consecutive weeks; it was first published on Thursday, the 9th day of January 2014, and was thereafter printed every week and last published on Thursday, the 16th day of January 2014; and printed below is a copy of the lowercase alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: *[Signature]*
Publisher

Subscribed and sworn to before me on this 16th day of January 2014.

Karry White Notary Public



Rate Information
Rate charged for the above matter.....\$8.10 per column inch rate

Published in the Askov American, January 9 & 16, 2014)
Pine County, Minnesota
Zoning Administrator
203.0 feet; thence North 89 degrees
39.30' East a distance of 163.0 feet;
then South a distance of 203.0 feet
to the point of beginning, subject to a
rightway easement over and across
the South 33.0 feet thereof
AMOUNT DUE AND CLAIMED
TO BE DUE AS OF DATE OF NO-
TICE: \$172,621.95
THAT all pre-foreclosure require-
ments have been complied with; that
no action or proceeding has been in-
stituted at law or otherwise to recover
the debt secured by said mortgage,
by the Sheriff, public auction at the
Pine County Sheriff's Office in the City
DATE AND TIME OF SALE: Feb-
ruary 20, 2014 10:00 a.m.;
PLACE: ALE: Will be sold
THAT no action or proceeding has
been instituted at law or otherwise
to recover the debt secured by said
mortgage, or any part thereof;
PURSUANT to the power of sale
contained in said mortgage, the above
described property will be sold by the
Sheriff of said County as follows:

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

) ss.

COUNTY OF PINE)

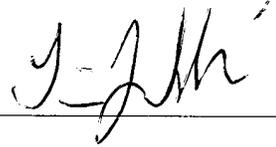
TIM FRANKLIN, being duly sworn on oath, says that he is the publisher of the newspaper known as the **Askov American** and has full knowledge of the facts that are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided in Minnesota Statute 331A.02, 331A.07, and other applicable laws amended.

(B) The printed NOTICE which is attached, was cut from the newspaper of said newspaper and was printed and published for two consecutive weeks; it was first published on Thursday, January 16, 2014, and was thereafter printed every week and published on Thursday, the 16th day of January 2014; and below is a copy of the lowercase alphabet from A to Z, the size and kind in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: _____



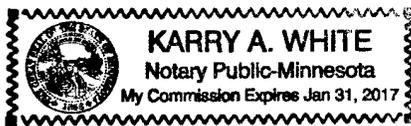
Publisher

Edward Melzark, Sr. Environmental Technician/Zoning Administrator
Pine County, Minnesota
(Published in the Askov American, January 9 & 16, 2014)

NOTICE OF PUBLIC HEARING
PINE COUNTY PLANNING, ZONING, AND SOLID WASTE
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Pine County Subsurface Sewage Treatment Systems: This is an ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. The purpose of this ordinance is to establish minimum requirements for regulation of ISTS and MSTs for the treatment and disposal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.
This hearing is open to the public at which time you are invited to appear and offer testimony regarding the draft ordinance. Written comments may be entered into the record at the discretion of the Land Services Director, Kelly Schroeder, and may be sent to her attention at 635 Northridge Drive NW, Pine City, MN 55063 or Edward Melzark, Sr. Environmental Technician/Zoning Administrator, 1602 Hwy 23, Sandstone, MN 55072. The Draft SSTS may be viewed on the Pine County website under the Planning and Zoning Department section under Ordinances at: www.co.pine.mn.us.

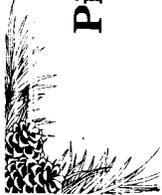
Subscribed and sworn to before me on this 16th day of January, 2014.

Karry White Notary Public



Rate Information
Rate charged for the above matter.....\$8.10 per copy

Pine County Notices



Affidavit of Publication

STATE OF MINNESOTA,

County of Pine

Naomi Rowland, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Pine City Pioneer, and has full knowledge of the facts which are stated below:

(A) The newspaper is compiled with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 311A.02, 311A7, and other applicable laws, as amended.

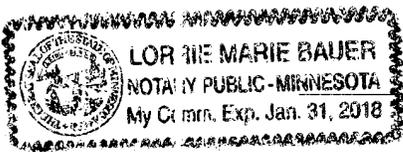
(B) THE PRINTED:
PINE COUNTY (SSTS)

which is attached was cut from the columns of said newspaper, and was printed and published once a week, for 1 successive week(s); it was first published on every Thursday, the 13th of February, 2014, and was thereafter printed and published on every Thursday to and including Thursday the 13th day of February, 2014, and printed below is a copy of the lower case alphabet from A to Z both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: Naomi Rowland
TITLE: Accountant, Naomi Rowland

Subscribed and sworn to before me on this 13th day of February, 2014,



Lorrie Marie Bauer
Notary Public

RATE INFORMATION

- 1) Lowest classified rate paid by commercial users for Comparable space \$7.20 per inch
- 2) Maximum rate allowed by law for the above matter \$10.80 per inch
- 3) Rate actually charged for the above matter \$6.75 per inch

Pine County Subsurface Sewage Treatment System (SSTS) Ordinance Summary

An ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county adopting the following provisions:

- 1.) Adopts by reference the 2011 Minnesota Rules, Chapters 7080 through 7083 in their entirety.
- 2.) Requires a construction permit for construction, installation, modification or replacement of a SSTS.
- 3.) Requires a management plan for all new or replacement SSTS at the time of construction permit application.
- 4.) Requires all persons engaging in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS to be have an appropriate and valid license issued by the MPCA unless exempted in Minnesota Rule 7083.0700 Subp. A to Subp. I.
- 5.) Requires that a building intended for habitation be served by a waste water treatment system that disposes of the wastewater in a manner that complies with the provisions of the Ordinance.
- 6.) Requires compliance inspections by a licensed inspection business or qualified employee: whenever a permit or variance of any type in the shoreland areas of the county under the Pine County Shoreland Management Ordinance, for all new SSTS construction or replacement, and prior to the sale of a property which is required to be serviced by a SSTS.
- 7.) Requires all SSTS that are failing to protect the groundwater to be upgraded, repaired, replaced, or abandoned within 18 months of their discovery and receipt of Notice of Noncompliance.
- 8.) Requires all SSTS that are an imminent threat to public health or safety to be upgraded, repaired, replaced, or abandoned within 10 months of their discovery and receipt of Notice of Noncompliance.
- 9.) Requires the design flow for all new and replacement systems to be designed for class 1 buildings only.
- 10.) Requires an operating permit for the owners of Type IV, V, mid-sized treatment systems (design flow over 5,000 gallons, but less than 10,000 gallons per day), or any other system that requires operation oversight.

11.) Requires the abandonment of SSTS with no future intent of use.

12.) Requires lots created after January 23, 1996 to have a minimum of two soil treatment and dispersal areas at the time of lot creation.

13.) Allows holding tanks in certain applications.

14.) Allows variance requests from the standards specified in the ordinance.

Passed and approved this 4th day of February, 2014, by the Pine County Board of Commissioners.

Curt H. Rossow, Chair, Board of Commissioners

David J. Minke, Administrator, Clerk to the County Board

A full text document of the ordinance is available at the county's website (www.co.pine.mn.us) or in person, Pine County Planning and Zoning Department, 1602 State Hwy 23 N, Sandstone, MN 55072. **Published in the Pine City Pioneer on February 13, 2014**



513334

A- 513334

OFFICE OF COUNTY RECORDER
PINE COUNTY, MINNESOTA

Fee Total \$0

Certified, Filed and/or Recorded on:

Pages: 29

February 27, 2014 8:00 AM

Tamara Tricas, County Recorder

received from: PINE COUNTY ZONING DEPT

returned To: PINE COUNTY ZONING DEPT
KELLY SCHROEDER

