

SECTION II - SEWER USE REGULATIONS

(Revisions included in this section from Ordinance Amendment 2015-01)

Section 3.2 - 1. Purpose

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems(s); and providing penalties for violations thereof.

Further, the purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the City of East Gull Lake Comprehensive Plan and the City of East Gull Lake Land Use Ordinance.

1. EFFECTIVE DATE

The provisions set forth in this Ordinance shall become effective on May 1, 2015.

1. SCOPE

This Ordinance regulates the siting, design, installation, inspection, alterations, operation, maintenance, monitoring, and management of all SSTS within East Gull lakes 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 East Gull Lake 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.

Be it ordained and enacted by the Council of the City of East Gull Lake, Minnesota as follows:

1. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, or impair any existing 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 All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

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

3. 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.

4. REPEALOR

The adoption of this Ordinance repeals Section 3.2-5(1) of the East Gull Lake City code.

5. CITY ADMINISTRATION

- A.** The City of East Gull Lake shall administer the SSTS program and all provisions of this ordinance.
- B.** The Cities duties and responsibilities include, but are not be limited to, the following;
 - 1. Review all applications for SSTS
 - 2. Issue all permits required in this Ordinance
 - 3. Inspect all work regulated in this Ordinance
 - 4. Investigate all complaints regarding SSTS
 - 5. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable
 - 6. Enact enforcement provisions of this Ordinance as necessary
 - 7. Refer unresolved violations of this Ordinance to the City Attorney
 - 8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
 - 9. The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program
 - 10. Submit annual reports to MPCA as required

Section 3.2 - 2. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

- 1. **Act.** The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

2. **ASTM.** American Society for Testing Materials.
3. **Authority.** The City of East Gull Lake, Minnesota or its representative thereof.
4. **BOD₅ or Biochemical Oxygen Demand.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure in five (5) days at 20° Centigrade in terms of milligrams per liter (mg/l).
5. **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.
6. **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection
7. **City.** The area within the corporate boundaries of the City of East Gull Lake as presently established or as amended by ordinance or other legal actions at a future time. The term “City” when used herein may also be used to refer to the City Council and its authorized representative.
8. **Chemical Oxygen Demand (COD).** The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).
9. **Class V Injection Well:** A shallow well used to place a variety of fluids directly below the land surface, which includes all subsurface sewage treatment systems serving two-family dwellings or larger and systems serving other sewage generating establishments that serve 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 & 146).
10. **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
Compatible Pollutant. Biochemical Oxygen Demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.
11. **Control Manhole.** A structure specially constructed for the purpose of measuring flow and sampling of wastes.

12. **Design Flow:** The daily volume of wastewater for which an SSTS is designed to treat and discharge.
13. **Easement.** An acquired legal right for the specific use of land owned by others.
14. **ERC.** Equivalent Residential Connection for the purposes of calculating the user charge and debt service charge (connection charge), a building service with an anticipated peak month volumetric flow not exceeding 300 gallons per day and an anticipated peak month average flow of 185 gallons per day or a service serving an individual dwelling unit; at a strength not greater than 250 mg/l of BOD₅ and 302 mg/l of total suspended solids.
15. **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 MR Chapter 7080.1500 Subp. 4 D 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 5 hereof. An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp. 4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten months upon receipt of a notice of noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
16. **Fecal Coliform.** Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.
17. **Floatable Oil.** Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.
18. **Garbage.** Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
19. **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 5 hereof.

20. **Incompatible Pollutant.** Any pollutant that is not defined as a compatible pollutant (Section 3.2-2(9)) including non-biodegradable dissolved solids.
21. **Industry.** Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the North American Industrial Classification System, latest edition, which categorizes industries into two-digit industry sectors which are subdivided further into three-, four-, five-, and six-digit industry codes.
22. **Industrial Waste.** Sewage containing waste from activities other than sanitary waste from industrial activities including, but not limited to, the following uses defined under the Standard Industrial Classification (SIC) Codes established by the U.S. Office of Management and Budget.

SIC CODE(S)	INDUSTRY CATEGORY
753-7549	Automotive Repairs and Services
7231,7241	Beauty Shops, Barber Shops
7211-7219	Laundry Cleaning and Garment Services
4011-4581	Transportation (Maintenance only)
8062-8069	Hospitals
2000-3999	Manufacturing
2000-2099	Food Products
2100-2199	Tobacco Products
2400-2499	Lumber and Wood Products, except Furniture
2500-2599	Furniture and Fixtures
2600-2699	Paper and Allied Products
2700-2799	Printing, Publishing, and Allied Industries
2800-2899	Chemicals and Allied Products
2900-2999	Petroleum Refining and Related Industries
3000-3099	Rubber and Miscellaneous Plastics
3100-3199	Leather Tanning and Finishing
3000-3099	Rubber and Miscellaneous Plastics
3100-3199	Leather Tanning and Finishing
3200-3299	Stone, Clay, Glass, and Concrete Products
3300-3399	Primary Metal Industries
3400-3499	Fabricated Metal Products (except Machinery, and Transportation Equipment
3500-3599	Industrial and Commercial Machinery and Computer Equipment

3700-3799	Transportation Equipment
3800-3899	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks
3900-3999	Miscellaneous Manufacturing Industries

- 23. **Infiltration.** Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.
- 24. **Infiltration/inflow - (I/I).** The total quantity of water from both infiltration and inflow.
- 25. **Inflow.** Wwater other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash or drainage.
- 26. **Interference.** The inhibition or disruption of the City’s wastewater disposal system processes or operation which cause or significantly contributes to a violation of any requirement of the City’s NPDES and/or SDS Permit. The term includes violation of sewage sludge use of disposal by the City in accordance with published regulations providing guidelines under Section 405 of that Act of any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.
- 27. **ISTS:** An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.
- 28. **Malfunction:** The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.
- 29. **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.
- 30. **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.

31. **MSTS:** A “mid-sized 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.
32. **MPCA.** Minnesota Pollution Control Agency.
33. **National Categorical Pretreatment Standards.** Federal regulations established pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.
34. **National Pollutant Discharge Elimination System (NPDES) Permit.** A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.
35. **Natural Outlet.** Any outlet, including storm sewers and combined sewers combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.
36. **Non-contact Cooling Water.** The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.
37. **Normal Domestic Strength Waste.** Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 250 mg/l and suspended solids (TSS) concentration not greater 302 mg/l.
38. **Notice of Noncompliance:** A written document issued by the Department notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.
39. **Person.** Any individual, firm, company, association, society, corporation, or group.
40. **pH.** The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.
41. **Pretreatment.** The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works. (See Subdivision 24.)
42. **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally

prevailing in public sewers with no particle greater than 1/2 inch (1.27 cm) in any dimension.

43. **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.
44. **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.
45. **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.
46. **Sewer.** A pipe or conduit that carries wastewater or drainage water.
 - A. Collection Sewer a sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
 - B. Combined Sewer a sewer intended to serve as a sanitary sewer and a storm sewer.
 - C. Force Main a pipe in which wastewater is carried under pressure.
 - D. Interceptor Sewer a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
 - E. Private Sewer a sewer which is not owned and maintained by a public authority.
 - F. Public Sewer a sewer owned, maintained and controlled by a public authority.
 - G. Sanitary Sewer a sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
 - H. Storm Sewer or Storm Drain a drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.
47. **Significant Industrial User.** Any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the

total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

48. **Slug.** Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.
49. **SSTS:** Subsurface sewage treatment system Including an ISTS, MSTS or LSTS.
50. **State:** The State of Minnesota
51. **State Disposal System (SDS) Permit.** Any permit (including any terms, conditions and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.
52. **Superintendent.** The utilities superintendent or a deputy, agent or representative thereof.
53. **Suspended Solids (SS) or Total Suspended Solids (TSS).** The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, and referred to as non-filterable residue.
54. **Toxic Pollutant.** The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issues pursuant to Section 307(a) of the Act.
55. **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: $cBOD_5 \leq 15 \text{ mg/L}$; $TSS \leq 15 \text{ mg/L}$; fecal coliforms $\leq 1,000/100 \text{ mL}$.
 - Level B: $cBOD_5 \leq 25 \text{ mg/L}$; $TSS \leq 30 \text{ mg/L}$; fecal coliforms $\leq 10,000/100 \text{ mL}$.
 - Level C: $cBOD_5 \leq 125 \text{ mg/L}$; $TSS \leq 80 \text{ mg/L}$; fecal coliforms N/A.

56. **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.
57. **Type II System:** An ISTS with acceptable modifications or sewage 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.
58. **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.
59. **Type IV System:** An ISTS, having an approved 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.
60. **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.
61. **Unpolluted Water.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See Non-contact Cooling Water, Sec . 27.).
62. **User.** Any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.
63. **Wastewater.** The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wasters from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.
64. **Wastewater Treatment Works or Treatment Works.** An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection

sewers, pumping, power, and other equipment and their appurtenances; extensions, extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and similar facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

65. **Watercourse.** A natural or artificial channel of the passage of water, either continuously or intermittently.

66. **WPCF.** The Water Pollution Control Federation.

Section 3.2 - 3. Control by the Utilities Superintendent

1. The Utilities Superintendent shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering the provisions of this ordinance to the end that a proper and efficient public sewer is maintained.

Section 3.2 - 4. Use of Wastewater Facilities

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal experiment, garbage or objectionable waste.
2. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the City's NPDES/SDS Permit.
3. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within ninety (90) days of the date said public sewer is operational, provided said public sewer is within 100 feet of the property containing the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant

to this section, an official thirty (30) day notice shall be served instructing the affected property owner to make said connection.

5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 3.2-4, Subdivision 4 of the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Cass, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this ordinance.

Section 3.2 - 5. Private Wastewater Disposal

1. ALL SSTS

Except as explicitly set forth in Section 207, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

2. PROHIBITIONS

A. 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 or that contains plumbing fixtures that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.

B. 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.

C. 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 Rule 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

D. Discharge of Hazardous or Deleterious Materials

- a. 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.

3. PERMIT REQUIREMENTS

A. Activities Not Requiring a Land Use Permit

A land use 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 design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent screens or filters.

B. Activities Requiring a Land Use Permit

A land use permit shall be obtained by the property owner or an agent of the property owner from the City prior to the installation, construction, replacement, modification, alteration, or capacity expansion of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the City including 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. 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.

C. Permit Requirements

Land Use Permit applications shall be made on forms provided by the City and signed by the applicant or applicant's agent, and must include the following information and documentation:

1. Applicant name, mailing address, telephone number, and email address
2. Property Identification Number, property address and legal description of property location
3. Site Evaluation Report, as described in Minnesota Rules Chapter 7080.1730, shall be made on one that is acceptable to the City
4. Design Report, as described in Minnesota Rules Chapter 7080.2430, and shall be made on a form that is acceptable to the City
5. A maintenance management plan, as described in Minnesota Rule 7082.0600

D. Application Review and Response

The City shall review a permit application and supporting documents according to the East Gull Lake Land Use Ordinance and East Gull Lake SSTS ordinance.

E. Appeal

The applicant may appeal any decision of the City in accordance with East Gull Lake Land Use Ordinance.

F. Permit Expiration

A Land Use Permit for a new SSTS is valid, and must be completed, for a period of no more than two years from its date of issue. A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid and must be completed, for ten months. A Land Use Permit for the replacement of SSTS that are imminent threats to public health is valid and must be completed, for ten months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the City or a licensed inspection business, which is authorized by the City and independent of the owner and the SSTS installer.

G. Transferability

A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

H. Suspension or Revocation

The City may suspend or revoke a Land Use Permit issued under this section for any false statements, misrepresentations of facts on which the Land Use 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 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 Land Use Permit is obtained.

I. SSTS Assessment Requirements

For those SSTS without a management plan or operating permit according to the provisions of this Ordinance, the following provisions apply:

1. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water

2. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than twelve inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25% percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks

4. **EXISTING PERMITS**

Unexpired permits which were issued prior to the effective date of this Ordinance shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

5. **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 Type 1 systems as defined by Minnesota Rule 7080.2200.

6. **UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT**

A. 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.

B. Bedroom Addition

Any addition to a structure that includes bedroom(s) that require a land use permit from the City shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860 or be upgraded to meet Class 1 sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.

C. Imminent Threat to Public Health or Safety

An SSTS posing an imminent threat to public health or safety shall be pumped within twenty four hours and managed as a holding tank in accordance with Minnesota Rule 7080.1500, Subp.4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in

accordance with the provisions of this Ordinance within ten months upon receipt of a notice of noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.

D. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

6. SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should 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 Rule 7080.2270 and all relevant local requirements are met.

7. 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 a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

8. OPERATING PERMIT

A. An Operating Permit shall be required for the following SSTS:

1. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp.3(K)
2. Holding Tanks
3. SSTS serving three or more connections
4. Type III, Type IV and Type V SSTS
5. SSTS that exceed a daily flow of 2,500 gallons per day; or
6. MSTs designed under Minnesota Rules Chapter 7081

B. Operating Permits shall be a signed agreement between the City and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.

C. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.

D. Owners of holding tanks and vaulted privies shall provide the City with 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 and prevents an illegal

discharge in accordance with Minnesota Rule 7082.0100, Subd.3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56, Subd.3(b)(3).

- E. Operating Permits shall be valid for the specific term stated on the permit as determined by the City.
- F. An Operating Permit must be renewed prior to its expiration. If not renewed, the City may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within ninety calendar days of the expiration date, the City may require that the system be abandoned in accordance with Section 300 (E).
- G. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Section 1005. The City shall not terminate the current permit until ninety calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the City may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- H. A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the City on a form acceptable to the City on or before the compliance reporting date stipulated in the Operating Permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the Operating Permit.
- I. The City 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.
- J. If suspended or revoked, the City may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- K. At the Cities sole discretion, the Operating Permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

9. COMPLIANCE INSPECTION PROGRAM

A. City Responsibility

It is the responsibility of the City, or its agent, to perform installation inspections of new SSTs or upgrades of SSTs to assure that the requirements of this Ordinance are met.

- 1.** All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors

2. The City shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, “property” does not include a residence or private building
 3. No person shall hinder or otherwise interfere with the Cities employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the City shall be deemed a separate and distinct offense
- B.** A signed winter agreement, as per Section 303 D of the East Gull Lake Land Use Ordinance, may be accepted in lieu of a compliance inspection for property transfers, between November 1 and April 30, provided the required information is submitted to the City by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance

C. New Construction or Replacement

1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Cities requirements
2. It is the responsibility of the SSTS owner or the owner’s agent to notify the City twenty four hours prior to the installation inspection
3. If the installer provides proper notice and the City does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Ordinance within five working days of the installation
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the City within thirty days of inspection if the City has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit
5. The Certificate of Installation 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

6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued
7. Certificates of Installation for new construction or replacement shall remain valid for five years from the date of issue unless the City finds evidence of noncompliance

D. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur
 - a. When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use reclassification, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - b. Prior to conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - c. 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.
 - d. At any time as required by this Ordinance or the City deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified
 - a. Watertightness assessment of all treatment tanks including a leakage report.
 - b. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including vertical soils separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, Subp.4(B).
 - c. Sewage backup, surface seepage or surface discharge including a hydraulic function report.
3. 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 requirements of this Ordinance. 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. An SSTS construction permit application must be submitted to the City if the required corrective action is not a minor repair

4. The Certificate of Compliance or notice of noncompliance must be submitted to the City no later than fifteen calendar days after the date the inspection was performed
5. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the City finds evidence of noncompliance

E. Transfer of Property

1. Any individual sewage treatment system located on real property lying within East Gull Lake shall be brought into compliance with the requirements of the East Gull Lake Subsurface Sewage Treatment System Ordinance upon conveyance of said real property.

2. Prior to the conveyance of any real property, the seller shall disclose in writing to the buyer information about the status and location of all known SSTS on the property by delivering to the buyer either a sworn affidavit by the seller that no SSTS exists on the property to the best of their knowledge after diligent investigation, or a certificate of compliance or notice of non-compliance meeting all provisions of this ordinance being the result of a compliance inspection conducted by a Minnesota state registered inspector holding a Designer I or Inspector certification. A certificate of compliance or notice of noncompliance meeting all provisions of this ordinance shall be submitted to the East Gull Lake and the seller within 30 days after the compliance inspection.

3. If the seller fails to provide a Certificate of Compliance, the seller shall provide the buyer sufficient security in the form of an escrow with the City, a licensed real estate closer, licensed attorney-at-law, or a federal or state chartered financial institution. The escrow must list the City as having the “release authority”. If the escrow is held by some entity other than the City, a copy of the escrow and written estimate must be submitted to the City. The amount escrowed shall be equal to 125% of a written estimate to install a complying ISTS provided by a licensed and certified installer. The buyer may, by mutual written agreement with the seller, assume the responsibility to fund the escrow. The seller or buyer may, by written agreement, assign a third party to receive the disbursement from the escrow account. After a complying SSTS has been installed and a certificate of compliance issued, the City must provide the

holder of the escrow a copy of the Certificate of Compliance, and the City of East Gull Lake shall authorize the escrow to be released to the maker of the escrow or their assigns.

4. At the time of recording the conveyance of any real property within the unincorporated areas of East Gull Lake, the seller shall provide to the City one of the following: (A) a sworn affidavit by the seller certifying that no subsurface sewage treatment system exists on said property to the best of their knowledge after diligent investigation (affidavit), or (B) a Certificate of Compliance on forms approved by the City (certificate), or (C) a packet consisting of the following documents to be referred to as an escrow packet: 1) an escrow agreement as provided by subdivision “3” of this section, 2) an attached written estimate or contract to install a complying SSTS provided by a licensed and certified installer; and, 3) an attached SSTS permit application for the installation of the SSTS (packet), or (D) an SSTS permit application and SSTS Compliance Inspection Agreement for conveyances which take place between November 1st and April 30th when compliance cannot be determined (winter agreement). Failure to comply with a requirement of this subdivision does not impair the validity of the deed. Failure to present to the City an affidavit, certificate of compliance, escrow packet, or a winter agreement as outlined in this subdivision shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes.

5. Liability for Failure to Disclose: Unless the buyer and seller agree to the contrary in writing before the closing of the sale, a seller who fails to disclose the existence of a subsurface sewage treatment system at the time of sale and knew or had reason to know of the existence of a subsurface sewage treatment system is liable to the buyer for costs relating to bringing the subsurface sewage treatment system into compliance with the East Gull Lake Subsurface Sewage Treatment System Ordinance, and reasonable attorney’s fees for collection of costs from the seller, if the action is commenced within two (2) years after the date the buyer closed the purchase of the real property where the subsurface sewage treatment system is located. Said civil liability shall in no way impair a criminal prosecution for the same violation.

6. In accordance with section 4(D) above, all property conveyances subject to this ordinance occurring during the period between November 1st and April 30th when ISTS compliance cannot be

determined due to frozen soil conditions shall require a winter agreement, which includes an application for an SSTS permit and an SSTS Compliance Inspection Agreement. The compliance inspection shall be completed by following June 1st by a state-licensed compliance inspector. 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 failed, an escrow agreement shall be established in accordance with section 3, above, and the system shall be upgraded.

E. Commercial SSTS

1. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and oil/grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
2. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.
3. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subp.3(K) shall be upgraded within three years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.

F. Vertical Separation Reduction

Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15% reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Section 1000.

11. SSTS PRACTITIONER LICENSING

- A.** 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 Rule 7083.0700.
- B.** An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700.

Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a twenty four hour notification to the City for inspection is required.

Commercial SSTS and any other pressurized system cannot be constructed by anyone other than a licensed installer.

12. ENFORCEMENT

Enforcement of this Ordinance shall follow the standards in Section XI of the East Gull Lake Land Use Ordinance.

13. STATE NOTIFICATION OF VIOLATION

The City 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 maintainer that is performed in violation of the provisions of this Ordinance. The City shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

14. RECORD KEEPING

The City 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, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records the City deems relevant to a particular system.

15. ANNUAL REPORT

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

16. FEES

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

17. DISPUTE RESOLUTION

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation

of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp.5.

Section 3.2 - 6. Building Sewers and Connection

1. Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD₅, and Suspended Solids, as determined by the Superintendent.
2. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.
3. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this ordinance.
4. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
5. Any person desiring a license to make a service connection with public sewers shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for recommendations to the Council. If approved the Council, such license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.
6. No license shall be issued to any person until a bond, prescribed by the City Fee Schedule, to the City, approved by the Council, is filed with the City Clerk conditioned that the licensee will carry liability insurance and will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reasons of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will

keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the licensee by law. The City Council shall establish the limits required on liability insurance carried by the licensee.

7. The license fee for making service connections is as prescribed by the City Fee Schedule. All licenses shall expire on December 31 of the license year unless the license is suspended or revoked by the Council for cause. Upon failure to apply for a license renewal prior to the expiration date thereof, the license fee for the ensuing year shall be prescribed by the City Fee Schedule.
8. The Council may suspend or revoke any license issues under this Section for any of the following causes:
 - A. Giving false information in connection with the application for the license.
 - B. Incompetence of the licensee.
 - C. Willful violation of any provisions of this Section or any rule or regulation pertaining to the making of service connections.

Section 3.2 - 7. Destruction of System Components

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

Section 3.2 - 8. User Rate Schedule for Charges

Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in Section 3.4.

Section 3.2 - 9. Powers and Authority of Inspectors

1. The Superintendent or other duly authorized employees of the City, bearing proper credentials and identifications, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this Ordinance.
2. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

3. While performing necessary work on private properties, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 3.2-7 subdivision 9 of this Ordinance.
4. The Superintendent or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 3.2 - 10. Penalties

1. Any person found to be violating any provision of this Ordinance, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in subdivision 1 of section 3.2-11, shall be subject to penalties prescribed by this code and guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.
3. Any person violating any of the provision of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

Section 3.2 - 11. Validity

1. This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

2. All other Ordinances and parts of other Ordinances inconsistent or in conflict with any part of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.