

**11-450 Regulation of Subsurface Sewage Treatment Systems (SSTS)****11-450.1 Definitions**

The definitions found in Minnesota Rules 7080.1100 are hereby adopted by reference as if fully set forth herein. In addition, the following definitions apply:

- A. **Failed System** - an SSTS which poses an imminent threat to public health or safety or which is discharging effluent above ground.
- B. **Non -standard System** - an SSTS which meets the description of a Type II, Type III, Type IV or Type V system as described in the following sections of Minnesota Rules:
- Type II: Rule 7080.2250  
Type III: Rule 7080.2300  
Type IV: Rule 7080.2350  
Type V: Rule 7080.2400
- C. **Standard System** - an SSTS meeting the description of a Type I system as found in Minnesota Rule 7080.2200.
- D. **Non-Complying System** – an existing SSTS which is protective of groundwater, is not an imminent threat to public health or safety, is not discharging effluent above ground, but which otherwise does not meet applicable government codes for SSTS construction.
- E. **Failing System** – an SSTS that meets the criteria of a system that fails to protect groundwater as outlined and described in Minnesota Rules 7080.1500 Subpart 4 (B).

**11-450.2 General Provisions**

All sewage generated in the City shall be treated either in a Minnesota Pollution Control Agency–permitted facility, or in an SSTS that meets the requirements of this code.

No person shall install, alter, repair or operate an SSTS except in compliance with this code. No person shall cover any portion of any SSTS which is being constructed, altered or repaired unless in compliance with written inspection policies as developed and maintained from time to time by the City's Building Official. No activity which constitutes construction, alteration or repair of an SSTS or Holding Tank shall commence unless the plans for the activity have been first approved by the City's building official, and without a permit having been issued by the City's building official for the activity. Any structural activity, such as remodeling, which will add effluent to an SSTS, shall be considered activity which constitutes construction, alteration or repair of an SSTS. For the

purposes of this Code, a person responsible for violations hereof shall include the contractor performing any activity, and shall also include the owner(s) of the parcel upon which the activity is being performed. New SSTS construction that is not compliant with this code, or other work on a system that is not compliant with this code shall be brought into compliance within seven days after written notification from the Building Official, unless a different deadline is specified in the notice.

### **11-450.3 Use of Non-Standard Systems**

Non-Standard Systems shall be used only when the use of a Standard System is infeasible, and when used, shall be constructed in accord with all applicable rules and regulations.

### **11-450.4 Required SSTS Compliance Inspections**

An SSTS compliance inspection (meaning an inspection by a person or entity licensed by the Minnesota Pollution Control Agency to determine compliance with minimum construction standards) shall be required in the following circumstances:

- a) For a new or replacement SSTS;
- b) When altering an existing structure to add a bedroom;
- c) When a parcel having an Existing System undergoes development, subdivision by platting or lot split.

If an SSTS is found to be noncompliant with minimum construction codes, notice thereof shall be sent by regular US Mail to the property owner.

### **11-450.5 Inspections and Pumping Required**

#### **A. Inspections**

Every SSTS shall be inspected at least one time in every three years, provided, that in order to spread the time for review of inspection reports uniformly, the City Administrator may divide the City into three separate reporting groups. The City shall maintain a database which contains a complete inventory of every SSTS in the City, the name and address of the property owner, and such other data about each SSTS as may be available to the City. The inspection shall be performed by the owner of the real estate upon which the SSTS is located, or by the owner's designated inspector. The inspection shall be at the expense of the property owner. Inspections shall include, at a minimum, a thorough evaluation of whether or not any effluent is or has been percolating to the surface of the ground, and each inspection shall also include the following measurements:

- 1) The distance between sludge and the bottom of outlet baffles;
- 2) The distance between scum and the bottom of outlet baffles.

**B. Standards, Reporting and Maintenance**

Where there is less than 12 inches between sludge and the bottom of outlet baffles, or where the scum line is found to be less than 3 inches above the bottom of outlet baffles, this condition shall be noted on the inspection report. The inspector shall complete an inspection report on forms to be maintained by the City Building Official and shall forward copies to the City Building Official as soon as inspections are complete. Maintenance of SSTS shall be in accord with Minnesota Rules 7080.2450.

**C. Pumping**

If any inspection reveals that there is less than 12 inches between sludge and the bottom of outlet baffles, or where the scum line is found to be less than 3 inches above the bottom of outlet baffles, the SSTS shall be pumped within 30 days of the inspection, and the owner shall provide evidence to the City Building Official that pumping was completed. Pumping shall be performed only by pumpers who are licensed or otherwise approved by the Minnesota Pollution Control Agency.

**D. Identification of Failed System or Failing System**

If an SSTS is reported by an Inspector to be a Failed or Failing System and the property owner does not agree with the finding, the property owner may request that the City Building Official re-inspect the SSTS to provide a second opinion as to the status of the SSTS. A fee equal to the City's actual labor and mileage costs to perform such second opinion inspections may be established by resolution of the City Council. In such cases, the decision of the City's Building Official shall be deemed final.

**E. Special Provisions for Inspections of Systems Other than Standard**

Notwithstanding the provisions of Article 11-450.4 (A), (B) and (C) above, inspections of SSTS that are other than Standard Systems shall be in accord with a Management Plan to be developed on a case-by-case basis at the time that a permit is issued for such a system. The Management Plan shall be established in writing by the System Designer, and may include, without limitation, the following features:

- i)** Inspections, as often as semi-annually, to standards described in the Management Plan;
- ii)** Periodic pumping different than that described in Article 11-450.4(C) above;
- iii)** Maintenance of a cash deposit or performance security on an ongoing basis to guarantee proper maintenance and inspections of the system;
- iv)** Monitoring or inspections may be required to be made by independent agents.

**11-450.6 Types of SSTS Permitted, Standards and Requirements**

All SSTS shall be constructed in accord with the standards imposed by Minnesota Rules 7080 and 7081, except that the following table shall be substituted for the table found in 7080.1930, subp. 1:

<u>Number of Bedrooms</u>	<u>Septic Tank Liquid Capacity</u>
4 or Less	1,500 Gallons (two compartments)
5 or 6	2,000 Gallons (two compartments)
7 or More	As determined by Building Official

**A. Vacant Residential Land**

For land which is not currently being used for residential purposes, meaning parcels which do not presently have an SSTS, including new residential development, the preferred type of SSTS shall be a Standard System. Notwithstanding the foregoing language, all lots in newly platted residential subdivisions shall be required to install Standard Systems.

**B. Occupied Residential Land**

For lots which currently have an SSTS which is a Failed or Failing System, the system shall, if possible, be replaced by a Standard System.

**C. CD-1, CD-2, CD-3, CD-4 and I-P (Industrial Park Land)**

SSTS's in the foregoing zoning districts may be Non-Standard Systems, provided that they meet the design criteria outlined in Minnesota Rules 7080, 7082 and 7083.

**D. Flood Plain**

SSTS shall be not permitted to be constructed in whole or in part within any Flood Plain area or drainage easement, unless there are no other options available, and then only in accord with specifications established on a case-by-case basis by City officials.

**E. Backup Absorption Area**

All residential lots that were created by subdivision after January 23, 1996 shall have adequate space for a primary and successor SSTS in accord with Article 10 and 11 of this code. This requirement shall also apply to any unplatted tracts of land for which a residential building permit is requested, and to any platted residential lots created by subdivision on or prior to January 23, 1996 if the lot area and soil composition afford sufficient space for a primary and successor SSTS.

**F. Technical Standards**

The technical standards found in Minnesota Rules 7080 and 7081 are hereby adopted by reference.

**G. Variances**

Variances to normal setback requirements may be granted in accord with variance standards found in Articles 9 and 10 of this code, and where not prohibited by state or federal law or county codes.

**H. Holding Tanks**

Holding Tanks may be allowed as replacements for an SSTS that poses an imminent threat to public safety. The holding tank must be installed by a Qualified Technician (see Code Article 11-450.9 below) who shall also direct the following of a written monitoring and disposal program. The owner must enter into and furnish a true and correct copy of a monitoring and disposal contract with a licensed maintenance business, which contract must guarantee the removal of the tank contents before overflow or any discharge.

**I. Management Plan for New or Replacement SSTS**

Prior to the issuance of any permit for the installation of any new or replacement SSTS, the designer shall submit a management plan to the City's Building Official.

**J. Class V Injection Wells**

All owners of new or replacement Class V Injection Wells, as defined in Code of Federal Regulations, title 40, part 144, must submit inventory information to the federal Environmental Protection Agency and the City. All Class V wells shall be identified as such in property transfer disclosures.

**K. Approvals**

All repairs, installation, alteration, rejuvenation or remediation of an SSTS shall require a Permit approved by the City's building official, who may employ the counsel of such outside consultants as are deemed necessary.

**L. Vertical Separation Requirements**

Minnesota Rules 7080.1500 Subp. 4(D) are hereby adopted by reference, but are amended to allow a 15 percent reduction of vertical separation (separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions, for SSTS built after March 31, 1996 or which are in an SWF area.

**M. Operating Permits**

Operating Permits issued by the City's Building Official shall be required of all SSTS that are Type IV Systems (see Minnesota Rules 7080.2350); Type V Systems (see Minnesota Rules 7080.2400); SSTS constructed under the provisions of Minnesota Rules 7081.0010; and holding tanks (see Minnesota Rules 7080.2290).

**N. Loading Rates**

Loading rates for determining bottom absorption area and absorption ratios may be determined either by using detailed soil descriptions or by percolation testing, utilizing Table IX or Table IXa in Minnesota Rules 7082.2150, Subpart 3(E).

#### **11-450.7 Repairs/Replacement**

##### **A. Failed System**

A Failed System (as defined in Article 11-450.1 (A) above) shall be replaced according to instructions from the City's building official and be brought into compliance with this code in accordance with a schedule established by the building official, not to exceed ten months from the date of notice of non-compliance by the Building Official of the City.

##### **B. Failing System**

A Failing System (as defined in Article 11-450.1 (E) above) shall be brought into compliance with this code in accordance with a schedule established by the Building Official, not to exceed 24 months from the date of notice of non-compliance.

##### **C. Non-Complying Systems**

Non-Complying Systems (as defined in Article 11-450.1 (D) above) may continue in use so long as the use of the system is not materially changed or expanded.

##### **D. Abandoned Systems**

SSTS that are abandoned shall be treated in accord with Minnesota Rules 7080.2500.

#### **11-450.8 Ground Surface Discharges**

An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System (NPDES).

#### **11-450.9 Qualifications**

Site evaluation, system design, construction, inspection and servicing shall be performed only by "Qualified Technicians", meaning entities or persons licensed by the Minnesota Pollution Control Agency, by appropriately certified qualified employees of the City, or by persons exempted under Minnesota Rules 7083.0700.

#### **11-450.10 Dispute Resolution**

If a dispute arises between two or more Qualified Technicians as to the condition of any SSTS, the issue shall be presented to the City's engineer, who shall hear and review the conflicting information, and whose decision shall be final.

#### **11-460 The Minnesota Water Well Contractors Code.**

The Minnesota Water Well Contractors Code, as the same is described in Minnesota Statutes Chapter 156A.01 through 156A.08, together with all amendments and

appendices thereto, and together with any and all regulations administrative of said Code as may have been or to be promulgated by the Minnesota State Board of Health is hereby adopted by the City of Ham Lake, by reference, to become a part of the City Code of the City of Ham Lake, as fully as if set out in full.

## **11-470 SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS) AND WELL WATER LOAN PROGRAM**

Pursuant to the authority of Minnesota Statutes Chapter 115.57, the City of Ham Lake hereby establishes the following SSTS and Well Loan Program. The program is intended to offer loans to eligible parties to repair or replace existing SSTS or water wells. The program is to be funded from monies made available from the Anoka County Housing and Redevelopment Authority (HRA) out of a special tax levy that has been and is being imposed on Ham Lake properties for the benefit of Ham Lake housing issues.

### **11-470.1 Eligibility: Conditions**

The conditions that are eligible for consideration for repair and/or replacement under this program include SSTS that have failed or which consist of leaking holding tanks, holding tanks which can be replaced by a conventional or "other" SSTS", privy vaults and straight pipe systems. An SSTS is a "failed" SSTS" if it is discharging effluent above ground level. These criteria shall be used in place of any other criteria that may be found in State or County health codes, and regardless of terminology as may be found therein.

The conditions that are eligible for consideration for repair and/or replacement of water wells are:

- a. contamination making the water unfit for human consumption; or
- b. lack of water pressure caused by a lack of well depth, a insufficient groundwater elevation or pipe sedimentation; or
- c. mechanical or electrical failure of or in the pump apparatus; or
- d. a well that needs to be abandoned and capped.

The City's designated officials shall be the sole judge of whether or not the qualifying criteria are met.

### **11-470.2 Eligibility: Financial**

In order to qualify for the program, the property owner must be a natural person or persons, named in the title to the property as joint tenants or tenants in common, and meeting the following financial criteria.

- a. The applicant(s) must meet the qualifying income limits as published by the United States Housing and Urban Development Department (HUD) as stated in the most current eligibility tabulations by HUD for qualification for Section 8 housing, according to household size, for the Minneapolis St. Paul Statistical Area.
- b. Aggregate net worth of all of the owners must be less than \$50,000.00 as disclosed on signed Financial Statements. Financial Statements must be in a form acceptable to persons designated by the City Administrator to review same.
- c. A Title search must be prepared or reviewed by the City Attorney, and the property cannot be in foreclosure or encumbered by tax liens or mechanics liens. Real estate taxes must be current.
- d. There must be reasonable positive equity in the property, meaning that the City staff's estimate of fair market value must exceed the apparent amount of debt encumbering the property, and the decision as to whether or not to approve the application may be based on the City's evaluation of the likelihood that the assessments will in fact be paid in full. No credit check of the applicant(s) shall be required. The City may require a fee appraisal, the cost of which can be included in the loan, at the City's option, prior to making a decision on the application.

The applicant(s) shall furnish whatever financial information is requested of the City, including tax returns. Financial data will be considered private data to the extent permitted by law.

### **11-470.3 Assistance and Assessments**

- a. Loan. Assistance to the property owner shall be in the form of a loan to the property owner(s) in an amount necessary to effect the replacement or repairs, not to exceed a total of \$25,000.00. The loan shall become an assessment against the property on which the repair/replacement occurs pursuant to Minnesota Statutes Chapter 115.57 (Subd. 6). At the time of issuing the loan, the City shall provide the notices required by said statute. The assessment shall be certified for collection with real estate taxes on November 15 of the year in which the loan is made, and shall be payable over a ten year period, together with interest accruing at a rate established by City Council resolution at the time that the loan is made.
- b. Prerequisites to Loan. Prior to closing the loan, the applicant(s) shall supply information satisfactory to the City documenting the need for the repair/replacement, and provide a quote or quotes from licensed and qualified septic and/or well installers documenting the cost of repair/replacement, and in the case of SSTS, providing a design plan for the new or repaired SSTS that

meets City codes. The applicant(s) shall also provide evidence satisfactory to the City that they meet the financial eligibility requirements as contained in item 11-2120 above.

#### **11-470.4 Procedure for Approval**

a. Submissions. Applicant(s) shall complete such forms as the City staff prepares in application for approval, and staff shall complete a report to the City Council for review when all application material is complete. The report shall not include the actual financial data provided by the applicant(s). Staff shall not forward an application to the City Council unless all eligibility and submission requirements are complete, and Staff shall have the authority to summarily reject an application for non-compliance with eligibility or submission requirements, provided that the applicant(s) receive written notice from Staff as to the reasons for rejection.

b. City Council Approval. The City Council shall review the staff report and shall act on the application by resolution. If disapproved, the resolution shall contain findings of fact supporting the disapproval. If approved, the resolution shall include an interest rate and such other matters as the City Council deems appropriate.

c. Appeal of Staff Decision. If Staff has summarily rejected an application, the applicant(s) may appeal the decision by requesting an appearance before the City Council.

d. Variances. The City Council may grant reasonable variances to the eligibility requirements if there are special circumstances which justify such variances. Special circumstances may include, without limitation, the use of shared SSTS systems or wells, unusual sub-surface conditions, or net worth affected by non-liquid assets.

#### **11-470.5 Closing**

At the time that the loan is closed, the applicant(s) shall execute any and all documents deemed necessary and appropriate by the City in connection with the loan.