

## FREQUENTLY ASKED QUESTIONS – SUB-SURFACE SEWAGE TREATMENT SYSTEMS (SSTS)

### CITY OF ORONOCO

#### 1. Can you summarize the Memorandum of Understanding (MOU)?

*The MOU states that the properties located within Sewer District B, C or F as outlined on the attached map will have a separate set of standards for SSTS for the five year period starting on the effective date of the MOU. The standards are based on the understanding that this area will ultimately be served by a centralized sewer system. The MOU applies to SSTS that are failing to protect groundwater or pose an imminent threat to public health and safety (ITPH). ITPH is discharge of wastewater to the surface or building and failure to protect groundwater is a system that is not compliant with MR 7080.1500, Subp. 4.B (SSTS without the minimum vertical separation requirement, pit, not properly abandoned).*

#### 2. What regulations will make me replace all or portions of my SSTS?

*The state rules and the proposed county ordinance identify several situations that would require system upgrade/repair/replacement including:*

- *A non-compliant system based on the compliance inspection. The compliance inspection may indicate “Failing to Protect Groundwater” or “Imminent Threat to Public Health and Safety” noted below;*
- *An Imminent Threat to Public Health or Safety ( Ch. 3402, Definitions), for example surfacing of wastewater;*
- *Failing to protect groundwater (MR 7080.1500, Subp. 4(B), such as a cesspool or lack of tank integrity, or non-compliant vertical separation;*
- *Existing SSTS that are not designed to handle the flows of a proposed use, such as the addition of a bedroom or changing uses from residential to a residence with a home office and employees, or restaurant.*

*However, the MOU holds that for the five years from the signing of the agreement, Olmsted County will not require repair or replacement. The property owner will need to take steps to temporarily mitigate an “imminent threat to public health and safety” such as regular pumping of the septic tank.*

#### 3. How will the ordinance affect me if I am not making changes to my property and not selling it?

*If the SSTS is functioning adequately, such that there is no backup into a building or surfacing of wastewater, the ordinance does not make further demands, other than the property owner must have the system inspected and possibly pumped on a three year basis.*

*If a compliance inspection is completed for some reason and the system is found non-compliant the state rules and proposed ordinance require that the system be brought into compliance. However, the MOU will not require that the system be brought into compliance until five years after the signing of the MOU.*

**4. What if my system was installed prior to 1996? Will I have to replace my SSTS?**

*These dates are related to state law and rule and proposed county ordinance Chapter 3409 Compliance Management. An existing SSTS that is not involved in a change to its use or expansion (such as a bedroom addition) and is functioning properly can continue to be used by the property owner.*

**5. What is a compliance inspection and certificate; when do I need one?**

*A compliance inspection for existing systems is carried out by a private appropriately licensed business. As noted by the MPCA it “is an evaluation, investigation, inspection... conducted for the purpose of issuing a Certificate of Compliance or Notice of Non-Compliance”. The Certificate of Compliance certifies that the SSTS complies with state requirements, and also local ordinance requirements if chosen by the county. A Notice of Non-compliance is a notice that a system does not meet the state requirements. There are two types of non-compliance, Failing to Protect Groundwater or Imminent Threat to Public Health and Safety, both described in other answers.*

*Compliance inspections are required for,*

- *New and replacement SSTS – during construction;*
- *Repair, modification, or upgrade of an existing system;*
- *Expansion of a building such as the addition of a bedroom;*
- *Change of use of a property that impacts SSTS performance;*
- *Any time the County deems it appropriate based on a verified SSTS compliant/malfunction;*
- *Transfer of property and metes and bounds involving existing systems.*

**6. What is SSTS failure as determined by a compliance inspection; why do I need to fix it and how does the ordinance affect me in fixing the SSTS?**

*Failure as noted in question #2 on compliance inspections and in state rules consists of “Failure to Protect Groundwater” or an “Imminent Threat to Public Health or Safety” (ITPHS). ITPHS may be the backup of sewage into the building or release of sewage onto the ground surface or into surface waters. MR 7080.1500, Subp. 4(B) describes a failure to protect groundwater as:*

- *seepage pits, cesspools, drywells, leaching pits, or other pits;*
- *a system with less than the required vertical separation distance as specified in MR 7080.150, Subp 4 (D and E);*
- *a SSTS not abandoned in accordance with MR 7080.2500.*

*Minnesota Rules require a time frame for upgrade, repair or replacement; that time frame is ten months. For Oronoco the MOU would allow a system to continue to be used for the five year period from the effective date of the MOU.*

**7. My SSTS is old and there is not a permit for it. What do I have to do and what are my options?**

*If you have a functioning SSTS you do not need to do anything. A compliance inspection would be required for certain circumstances as noted in previous questions. Section 3405.0104 of the proposed ordinance establishes minimum requirements for existing systems without permits. If there is no permit of record the requirement states that SSTS must be brought into compliance where:*

- a SSTS is being upgraded; or
- repairs requiring a permit; or
- a SSTS is determined to be an Imminent Threat to Public Health or a Failure to Protect Groundwater; or,
- a SSTS is not compliant with the minimum setback requirements to an existing well.

See the answer to #5 for the effect of the MOU.

**8. I have a SSTS that was built in prior to April 1, 1996 and am located inside of a shoreland area. What does the ordinance require for the system to be considered compliant?**

*Inside of a shoreland district the minimum vertical separation requirement has been three feet since the 1970's. Compliance inspections require the use of a MPCA form that determines the minimum items that must be inspected. The MPCA required compliance inspection form includes several sections.*

- Necessary or locally required attachments such as boring logs;
- Determination of impact on public health;
- Tank integrity;
- Other conditions such as manhole cover integrity;
- Soil separation;
- Operating permit and nitrogen BMP if it applies.

*Outside of a shoreland, the minimum vertical separation requirement for a SSTS built before April 1, 1996 is two feet as required by state law, and after that date it is three feet. The tank must meet standards related to leakage and failure to protect groundwater, and the system must not be an Imminent Threat to Public Health and Safety.*

**9. Is an escrow account or any sort of financial security required with the transfer of property that contains non-compliant SSTS?**

*No escrow account or financial security is required by the County however, one may be required by a third party such as a lender. It is important that both the seller and buyer understand that the City is considering the construction of a Municipal Wastewater Collection and Treatment System to serve portions of Oronoco. A portion of the proposed Wastewater Collection and Treatment System improvements could be assessed / charged to the benefiting property owners. If the City fails to construction a Wastewater Collection and Treatment System to serve parcels covered by the MOU, property owners with non-complaint systems will be required to construct complaint systems within 10 months of the termination of the 5-year MOU.*

**10. If I construct a new SSTS, will I be required to connect to Oronoco's Municipal Wastewater Collection and Treatment System in the future?**

*Yes, residents within the services are of any future municipal Wastewater Collection and Treatment System will be required to connect per City Ordinance.*

**11. Do I need to comply with Oronoco's SSTS Ordinance already in place?**

*Yes, residents need to comply with both City and County SSTS Ordinances. Residents should note that the City Ordinance requires the owner of an individual and cluster sewage treatment systems to regularly, but in no case less frequently than every three years, have the tank or tanks pumped by a licensed pumper. All pumping and inspection reports are to be submitted to the*

*City upon completion. See City Ordinance 401 Sewage Disposal Code for additional details and requirements.*

**12. Can I expand my existing SSTS if it is located within the MOU Sewer Districts B, C or F?**

*Yes, as long as you follow the Olmsted County SSTS permitting process and design and construct a system that complies with the Ordinance. Increased loading (building additions) of non-compliant SSTS systems located within the MOU jurisdiction will not be allowed. See question No. 10 and response for additional information.*