

**CITY OF ORONOCO INVENTORY AND
COMPLIANCE SCHEDULE FOR INDIVIDUAL SEWAGE
TREATMENT SYSTEMS**

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF ORONOCO
OLMSTED COUNTY
AND
THE MINNESOTA POLLUTION CONTROL AGENCY**

1. PURPOSE: Whereas the County of Olmsted, Minnesota ("County"), the City of Oronoco, Minnesota ("City"), and the Minnesota Pollution Control Agency ("MPCA") are committed to establishing a clear and understandable process for the upgrade of all non-compliant individual sewage treatment systems within the jurisdictional boundaries of the City, Sewer District B, C, and F (2014 Oronoco Facility Plan), they hereby enter into this Memorandum of Understanding (MOU).

2. SCOPE: Pursuant to Minn. Stat. § 116.05 (2012), this MOU is intended to describe how the County, City, and the MPCA will cooperate in order to develop a plan to upgrade, repair, replace, or eliminate all systems that are identified as failing to protect groundwater and/or as posing an Imminent Threat to Public Health (ITPH), as that term is defined in Minn. Stat. 115.55, Subd. 5a.

- 2.1.** This MOU is effective immediately upon the date of execution and expires five years from said date. The parties understand that this time frame allows five years to meet compliance with all local and state requirements for all non-compliant individual sewage treatment systems.
- 2.2.** This MOU does not implicate federal authorities or supersede existing federal statutes, rules, or regulations.
- 2.3.** The MPCA retains full responsibility for all those activities covered by federal law and regulation.
- 2.4.** This MOU will be implemented only within the jurisdictional boundaries of the City, Sewer District B, C, and F.

3. AGREEMENT: This MOU pertains only to individual sewage treatment systems that are identified as failing to protect groundwater and/or as posing an ITPH that are located in Sewer District B, C, and F, as noted in the 2014 Oronoco Facility Plan.

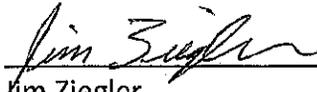
- 3.1.** Within five years after the effective date of this MOU, the City shall ensure that all residences within Sewer District B, C, and F are connected to city sewer.
- 3.2.** For all individual sewage treatment systems that remain in non-compliance, as defined in Minn. R. 7080.1500, five years after the effective date of this MOU within Sewer District B, C, and F, the County will immediately enforce its ordinance and notify each owner of individual sewage treatment systems that they have 10 months to comply with all local and state requirements.
- 3.3.** The City agrees to provide annual status updates to MPCA and the County on the municipal wastewater collection and treatment system project by January 31st of each calendar year with the final report submitted 30 days prior to the expiration date of the MOU.

- 3.4. Annually during the month of February, the MPCA, County, and City will meet to review the annual status update and progress made over the past year to determine if the MOU should be continued or discontinued. In the event that the MPCA, County, and City cannot reach an agreement about whether the MOU should be continued or discontinued, resolution shall be determined following the procedure outlined in 4.3 of the MOU.
- 3.5. The MPCA agrees not to exercise any administrative, legal, or equitable remedies available to the MPCA to address any violations of state or federal law that may result from the continued non-compliance of any individual sewage treatment systems within Sewer District B, C, and F's jurisdictional boundaries, provided that the City and the County perform according to and have complied with the terms and conditions contained in this MOU. The MPCA reserves the right to take any action authorized by law if the City or the County fails to comply with the terms and conditions of this MOU.
- 3.6. Upon termination of this MOU, or if either the City or the County fails to meet its obligations under this MOU, the owners of the non-compliant systems shall be subject to enforcement for any non-compliance with applicable local and state requirements.

4. OTHER PROVISIONS:

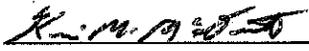
- 4.1. **Modifications:** This MOU may be modified or amended but only by written agreement among the parties.
- 4.2. **Extensions:** No later than 12 months prior to expiration of this MOU, the City, County, and the MPCA shall meet to evaluate all activities performed under this MOU and to determine whether the purpose of this MOU would be served by extending the term of this MOU in its current form or as modified or amended. Any extension of this MOU shall be affected according to the requirements of Part 4.1. of this MOU.
- 4.3. **Conflict resolution:** In the event that the staff of the City, County, and the MPCA cannot reach an agreement upon any action or item under this MOU, duly authorized representatives of the City, County, and the MPCA shall meet and discuss the issue. If the duly authorized representatives do not reach a resolution of the dispute within seven calendar days of the meeting, the MPCA Commissioner shall issue a written decision resolving the dispute.
- 4.4. **Termination:** The City, County, or the MPCA may terminate this MOU on 90 days written notice to the other parties.

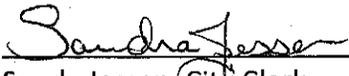
Minnesota Pollution Control Agency

By: 
Jim Ziegler
Manager, Northwest Division
Municipal Division

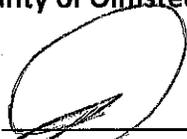
Dated: 3-24-15

City of Oronoco, Minnesota

By: 
Kevin McDermott, Mayor

Attest: 
Sandy Jessen, City Clerk

County of Olmsted, Minnesota

By: 
Richard Devlin, County Administrator

Attest: 