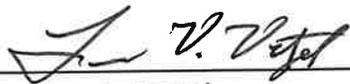


**Le Sueur County Ordinance Requiring Inspection of Subsurface  
Sewage Treatment Systems (SSTS) Within the First Tier and  
Recreational Properties Adjacent to Lake Gorman, Lake  
Volney, and including the Village of Cordova.  
Ordinance**

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and Approved: JANUARY 25, 2022

Signed:   
Vice Chair, County Board

Signed:   
County Administrator

Published: FEBRUARY 3, 2022

## **Section 1 – Statutory Authority**

**1.1** Le Sueur County is obligated under state law to regulate subsurface sewage treatment systems in unincorporated portions of the County. This Ordinance is enacted pursuant to the authority granted by Minnesota Statutes, including but not limited to, Section 115.55, Section 145A.05, and Section 394.21 to 394.27.

## **Section 2 – Purpose**

**2.1** The purpose of the Ordinance is to establish an inspection process in order to inventory the wastewater treatment systems within the area and create a timeframe for compliance. The boundaries of 350' around Lake Gorman, 350' around Lake Volney, and including the Village of Cordova was established for the purpose of addressing wastewater issues around the specific lakes listed and an area with a high density of known and suspected wastewater concerns within the County. The wastewater concerns within the lake areas have the potential to impact public health and water quality.

## **Section 3 – Definitions**

**3.1 Area** - 350' around Lake Gorman, 350' around Lake Volney, and including the Village of Cordova boundaries established by the Le Sueur County Board.

**3.2 Certificate of Compliance** - A document, written after a compliance inspection, from a Certified Inspector, certifying that an SSTS is in compliance with the applicable requirements of Minnesota Rules, Chapters 7080 to 7083, as amended, and Section 17 of the Le Sueur County Zoning Ordinance at the time of the inspection.

**3.3 Certified Inspector** – An individual, or a qualified employee, certified under Minnesota Rules Chapter 7083, as amended.

**3.4 Compliance Inspection** – The evaluation, investigation, inspection, or other process conducted by a Certified Inspector employed by a Licensed Business for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

**3.5 Department** – Department shall mean the Le Sueur County Environmental Services Department.

**3.6 First Tier Property** – First Tier Property shall mean any parcel of land not served by a municipal sanitary sewer that:

- a) Has a structure within 350 feet of the OHWL of a Regulated Lake that is connected to an SSTS,
- b) Has an SSTS located within 350 feet of the OHWL of a Regulated Lake, or

- c) Has an SSTS alternative site within 350 feet of the OHWL of a Regulated Lake.
- d) Is a currently vacant residential lot that would meet the above conditions if a structure were constructed.
- e) Is located within the Village of Cordova.

**3.7 Individual Sewage Treatment System (ISTS)** – A sewage treatment system, or part thereof, serving a dwelling or other establishment or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

**3.8 Inspection Report** – A Certificate of Compliance or Notice of Noncompliance, together with the Le Sueur County Certification Form, signed and sworn by a Certified Inspector.

**3.9 Licensed Business** – A business that designs, installs, maintains, repairs, pumps, operates, or inspects SSTS.

**3.10 Midsized Subsurface Sewage Treatment Systems (MSTS)** – An SSTS that employs sewage tanks or other treatment devices with final discharge into the soil below the natural elevation or elevated grade and that is designed to receive sewage design flow of greater than 5,000 gallons per day to 10,000 gallons per day.

**3.11 Notice of Noncompliance** – A document written and signed by a certified inspector after a compliance inspection that gives notice that an SSTS is not in compliance as specified under Minnesota Rules 7080.1500, as amended.

**3.12 OHWL** - Ordinary high water level. Ordinary high water level is the boundary of water basins. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**3.13 Recreational Property** – Recreational Property shall mean any Campground, Organized Group Camp, Planned Unit Development, or Resort as those terms are defined in Section 4, Subdivision 2 of the Le Sueur County Zoning Ordinance that is not served by a municipal sanitary sewer and:

- a) Has a structure within 350 feet of the OHWL of a Regulated Lake that is connected to an SSTS,
- b) Has an SSTS located within 350 feet of the OHWL of a Regulated Lake, or
- c) Has an SSTS alternative site within 350 feet of the OHWL of a Regulated Lake.

**3.14 Regulated Lake** - Regulated Lake shall mean Lake Volney (DNR lake number 40003300 in Le Sueur County), Gorman Lake (DNR lake number 40003200 in Le Sueur County).

**3.15 SSTS** – SSTS shall mean Subsurface Sewage Treatment System and shall be defined as contained in Minnesota Rules, Chapters 7080.

#### **Section 4 – General Provisions**

**4.1** All SSTS within the First Tier Properties shall be subject to mandatory compliance inspection if the SSTS, alternative SSTS site, or the structure served by the SSTS is within 350 feet of the OHWL of the Regulated Lake.

**4.2** All SSTS on Recreational Properties shall be subject to mandatory compliance inspections, regardless of whether the SSTS is located within 350 feet of the OHWL of the Regulated Lake.

**4.3** The County reserves the right to seek an administrative search warrant after December 31, 2023 to perform a Compliance Inspection of any property within the District for which an Inspection Report or Certificate of Compliance has not been provided.

**4.4** The following SSTS shall be exempt from the requirements of Section 4.1 through Section 4.2 of this Ordinance:

**4.4.1** SSTS that were constructed or altered after January 1, 2017 for which a Certificate of Compliance was issued by the Department.

**4.4.2** SSTS that were inspected by a state licensed SSTS Inspector after January 1, 2017 for which a Certificate of Compliance was issued by the inspector.

**4.4.3** SSTS that were inspected by a state licensed SSTS Inspector after January 1, 2021 for which a Notice of Noncompliance has been issued by the inspector.

**4.4.4** Properties whose sewage is regulated under a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit administered by the Minnesota Pollution Control Agency.

**4.5** Compliance inspections shall be completed using the Compliance Inspection Form for Existing SSTS as promulgated by the Minnesota Pollution Control Agency. The Inspection Report must include and follow the instructions on the most current version of the Minnesota Pollution Control Agency's Compliance Inspection Form for existing Subsurface Sewage Treatment Systems (SSTS).

**4.6** Compliance inspections must be completed by a State licensed and certified SSTS Inspector by December 31, 2023. No Certified Inspector or Licensed Business who previously designed, installed, inspected, or performed any maintenance on an ISTS may submit an Inspection Report for that ISTS for purposes of this ordinance.

**4.7** Compliance inspections shall be paid for by use of \$160,000.00 granted to Le Sueur County under the *Lake Gorman, Lake Volney, and the Village of Cordova Septic Inventory Watershed Based Implementation Funding* by the Clean Water Land and Legacy Amendment. Properties subject to the Ordinance are entitled to a free inspection and tank pumping funded by the above mentioned grant if the inspection is completed by the County's contractor for the Gorman-Volney-Cordova Project, Stantec. A Minnesota Pollution Control Agency-licensed SSTS Inspector, Intermediate Inspector, or Advanced Inspector other than Stantec may be utilized, at the owner's expense, for the purpose of satisfying the Provisions of the Ordinance. A licensed inspection business may inspect an existing system that they designed or installed once it has been independently inspected.

**4.8** No later than December 31, 2027, all non-compliant ISTSs shall be upgraded, repaired, or replaced in compliance with Minnesota Rules Chapter 7080, as amended, and Section 17 of the Le Sueur County Zoning Ordinance except:

- a) SSTS determined to be an Imminent Threat to Public Health and Safety as defined in Minnesota Rules, Chapter 7080-7081 must be upgraded, repaired, or replaced within ten (10) months of the date of the inspection.

## **Section 5 – Permitting**

**5.1** No person, firm, or corporation shall install, construct, extend or alter any SSTS in the County without first obtaining a permit as required by the Le Sueur County Zoning Ordinance.

## **Section 6 – Enforcement**

**6.1** This Ordinance shall be administered and enforced by the Department or assigned agent.

**6.2** The County reserves the right to impose a service charge of \$1,000 pursuant to Minnesota Statute Section 375B.09 for any property for which an Inspection Report or Certificate of Compliance has not been provided.

**6.3** Any property owner who has not submitted an Inspection Report by December 31, 2023 or has failed to upgrade, repair, or replace a non-compliant ISTS by December 31, 2027 shall be guilty of a misdemeanor.

**6.4** Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine and/or by imprisonment as authorized by law for punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

**6.5** In the event any provision or part of this Ordinance is determined to be void or unenforceable by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.