

# Frances, Rays, Sakatah, and Tetonka Septic Inventory Project Final Report – Le Sueur County, MN



*Prepared for:*  
Le Sueur County Environmental  
Services

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# Table of Contents

<b>1.0 INTRODUCTION .....</b>	<b>1-1</b>
1.1 Background .....	1-1
1.2 Project Purpose and Need .....	1-1
1.3 Previous Investigations .....	1-2
1.4 Schedule.....	1-2
<b>2.0 COMPLIANCE INSPECTION RESULTS .....</b>	<b>2-1</b>
2.1 Introduction .....	2-1
2.2 Compliance Inspection Methods.....	2-1
2.3 Compliance Inspection Findings.....	2-2
2.3.1 SSTS Types .....	2-2
2.3.2 SSTS Compliance Status .....	2-3
2.3.3 Compliance Inspection Results Summary .....	2-4
2.3.4 Comparison with the Jefferson German Septic Inventory Project ..	2-4
2.3.5 Likely Future SSTS Options for Individual Properties.....	2-5
<b>3.0 SUMMARY AND NEXT STEPS .....</b>	<b>3-1</b>
3.1 Summary .....	3-1
3.2 Next Steps .....	3-1

## **IN-TEXT TABLES**

Table 2-1: Existing SSTS Types at Inspected Properties.....	2-3
Table 2-2: SSTS Compliance Status of Inspected Properties.....	2-3
Table 2-3: SSTS Compliance Status of All FRST Properties .....	2-4
Table 2-4: Overall Compliance Status JGSIP and FRST .....	2-4
Table 2-5: Likely Future SSTS for Inspected Properties.....	2-6
Table 2-6: Likely Future SSTS for All FRST Properties.....	2-6

## **FIGURES**

1. Site Location Map
2. SSTS Compliance Status – Lake Frances and Rays Lake
3. SSTS Compliance Status – Tetonka Lake
4. SSTS Compliance Status – Sakatah Lake
5. Likely Future SSTS – Lake Frances and Rays Lake
6. Likely Future SSTS – Tetonka Lake
7. Likely Future SSTS – Sakatah Lake

## **APPENDICES**

- A. FRST Ordinance

# 1.0 Introduction

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## 1.1 BACKGROUND

The Frances, Rays, Sakatah, Tetonka (FRST) Septic Inventory Project was initiated in 2016 by Le Sueur County to assess the condition of subsurface sewage treatment systems (SSTS, also known as a “septic system”) along the shores of Lake Frances, Rays Lake, Sakatah Lake, and Tetonka Lake. Lake Frances, Tetonka Lake, and Sakatah Lake are listed as impaired for excessive nutrients such as nitrogen and phosphorous by the Minnesota Pollution Control Agency. Non-compliant SSTS can pollute groundwater and contribute to both drinking water and surface water degradation. Lakeshore properties in the FRST area are currently served by SSTS and private water wells except for those connected to Waterville or Elysian municipal services.

The purpose of this Report is to provide residents, local municipalities, Le Sueur County Board, and Le Sueur County staff a summary of septic system compliance findings. Results may aid in County and municipal planning as well as aid the County board in assessing the effectiveness of current policy.

A stated goal of the 2016-2021 Le Sueur County Water Plan is to have “all septic systems in Le Sueur County brought into compliance” (page 5). Wenck Associates, Inc. (Wenck) was retained to determine the compliance status of existing SSTS in the project area with respect to Minnesota Rules Chapters 7080-7081 and the Le Sueur County Zoning Ordinance Section 17.

The goal of the FRST project was to complete compliance inspections on all systems of unknown compliance status within the project area. Compliance inspections were mandated by Ordinance, with some exceptions. A copy of the Ordinance is in Appendix A.

The FRST project was funded through a Clean Water Legacy Grant from the Minnesota Board of Water and Soil Resources. Properties subject to the mandatory 2017 inspections received:

- ▲ Grant funded septic system compliance inspection valid for three years.
- ▲ Grant funded septic tank pumping.
- ▲ Grant funded repairs of cracked tanks lids, broken pipe caps, and other minor maintenance issues.

## 1.2 PROJECT PURPOSE AND NEED

The purpose of the FRST project is to determine to what extent a septic system compliance problem exists along the shores of the subject lakes. The septic system compliance status data is needed to assist in future decision making about possible long-term infrastructure and regulatory options.

### **1.3 PREVIOUS INVESTIGATIONS**

A similar SSTS compliance inventory project was conducted on the German-Jefferson chain of lakes in 2011-2012. Results of the FRST project are compared to the German Jefferson project results in Section 2.

### **1.4 SCHEDULE**

A brief timeline of events completed to date as part of the FRST is as follows:

- ▲ May 2016 – FRST grant received from the Board of Water and Soil Resources.
- ▲ October 2016 - FRST Ordinance approved by the Le Sueur County Board. Letters sent to effected property owners
- ▲ Winter 2017 – Project planning, file review, and assembly of initial property data
- ▲ March 2017 – Notices sent to residents subject to the FRST Ordinance. Letter provided Ordinance information and notification that the inspection project is commencing.
- ▲ April 2017 – Invitation sent out for Frances and Rays FRST community meeting.
- ▲ May 2017 – Invitation sent out for Tetonka and Sakatah FRST community meeting.
- ▲ May 2017 – Community meetings held in Elysian and Waterville
- ▲ June 2017 – Sent Notices to Frances and Rays residents subject to 2017 inspections and began Frances and Rays inspections.
- ▲ August 2017 – Complete Frances and Rays inspections.
- ▲ August 2017 - Sent Notices to Tetonka and Sakatah residents subject to 2017 inspections and began Tetonka and Sakatah inspections.
- ▲ November 2017 – Complete Tetonka and Sakatah inspections.
- ▲ Winter 2018 – Data review and finalize results. QA/QC data and findings against County records. Create maps and Report of Findings.

## 2.0 Compliance Inspection Results

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### 2.1 INTRODUCTION

This section summarizes the methods and findings of the compliance inspections. All the properties evaluated were served by an SSTS, some of which are holding tank systems. A determination of SSTS compliance status was made at each property. See Figures 2 - 4 for a visual summary of property compliance status.

### 2.2 COMPLIANCE INSPECTION METHODS

Prior to commencement of field work, Wenck and Le Sueur County worked to determine which properties were subject to the FRST Ordinance and which FRST properties would require a mandatory inspection. This involved a review of County records and a GIS analysis. Properties that had a valid Certificate of Compliance submitted to the County for their SSTS dated January 1, 2011 or later were considered to be compliant for the purposes of this study and were not subject to mandatory inspections.

Maps were posted on the project website<sup>1</sup> that showed which properties were subject to the inspection and notices were sent to the affected property owners. Once field work started, these maps also provided daily updates on the progress of the inspections, indicating which properties had been inspected and which were coming up next.

Inspections were conducted in geographic order, clockwise around each lake, one lake at a time. Due to the large number of inspections to complete in a limited timeframe, inspections were not scheduled with property owners unless special circumstances required the owner to be present. However, by providing project progress maps on the website and proceeding in a property-by-property manner, residents would be aware of which properties were up next for inspection.

Wenck began the field work phase of the FRST project in June 2017. Each property was visited twice. First a certified and licensed SSTS Maintainer would visit the property to find, pump, and inspect the system's tank(s). The Maintainer then provided their pumping and tank assessment forms to Wenck to be included in each property's inspection report.

The second visit to each property was performed by a Wenck certified and licensed SSTS Inspector. The purpose of the second site visit was to obtain or determine the following:

- ▲ Type of SSTS (if any) currently serving the property
- ▲ Source of drinking water
- ▲ Type of dwelling or wastewater generator contained within the parcel
- ▲ The most likely next-generation SSTS to serve the dwelling when replacement is needed.
- ▲ Locating wells, wastewater treatment system components, and soil boring locations on GPS
- ▲ Evaluating the system's setback from wells, buildings, surface water, and property lines
- ▲ Evaluating the system for need of minor repairs

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<sup>1</sup>[www.co.le-sueur.mn.us/government/francis\\_rays\\_sakatah\\_and\\_tetonka\\_lakes\\_\(frst\)/index.php](http://www.co.le-sueur.mn.us/government/francis_rays_sakatah_and_tetonka_lakes_(frst)/index.php)

- ▲ If needed, conduct soil borings to evaluate depth to redoximorphic features or bedrock
- ▲ Probing of soil dispersal area to determine depth to bottom
- ▲ Evaluation of soil treatment area compliance status
- ▲ Make general observations regarding the property and potential site constraints

An SSTS with non-watertight tanks as determined by the Maintainer or by Wenck was determined to be a non-compliant Failure to Protect Groundwater<sup>2</sup> (FTPG) system. SSTS with less than 31 inches of vertical separation between the bottom of the drainfield and seasonal groundwater or bedrock were also determined to be non-compliant FTPG systems. An SSTS that discharged sewage to the ground surface, to a surface water, or into the home or an SSTS in an unsafe condition (such as broken tank lids or unsafe wiring) was determined to be a non-compliant Imminent Threat to Public Health or Safety<sup>3</sup> (ITPHS) system. A system that cannot be located after all reasonable effort is also considered a non-compliant ITPHS.

Additionally, an evaluation was made to determine if a suitable area exists onsite for a future individual SSTS and what type of system would most likely be installed.

Upon completion of the compliance inspection at each property, Compliance Inspection Forms were filled out and mailed to the system owners. Copies of the Compliance Inspection Forms were also provided electronically to Le Sueur County. Copies of a property's inspection report can be obtained from the Le Sueur County Department of Environmental Services.

## 2.3 COMPLIANCE INSPECTION FINDINGS

Based on review of records and GIS analysis, there were 344 wastewater-generating properties subject to the FRST Ordinance. Of these, 189 properties had not recently been certified as compliant (since January 1, 2011) and thus were subject to the mandatory 2017 inspections.

Following are several subsections providing tables of findings related to the 189 properties inspected by Wenck for the FRST project. Additional tables are provided describing the compliance status of all 344 wastewater-generating properties in the FRST project area.

### 2.3.1 SSTS Types

Table 2-1 provides a breakdown of the SSTS types identified at properties where an inspection was performed. The descriptions listed in this table are common names. Trenches and beds are subsurface drainfield systems, while a mound system features an above-grade

<sup>2</sup> Failure to protect groundwater (FTPG) is defined in MN Rules Chapter 7080.1500 Subp. 4B. "...a system that is failing to protect groundwater is a system that is a seepage pit, cesspool, drywell, leaching pit, or other pit; a system with less than the required vertical separation distance described in items D and E; and a system not abandoned in accordance with part 7080.2500." 2011 MN Rules Chapter 7080.1500 Subp. 4D allows the County, for Compliance Inspection purposes, to apply a 15% reduction from the vertical separation distance of 36 inches required at installation. This 15% reduction renders 31 inches the vertical separation distance needed to be deemed compliant.

<sup>3</sup> Imminent Threat to Public Health or Safety (ITPHS) is defined in MN Rules Chapter 7080.1500 Subp. 4A. "...a system that is an imminent threat to public health or safety is a system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers."

drainfield. A cesspool or drywell system consists of an intentionally leaky tank that discharges sewage directly to the soil. Such systems are generally no longer allowed. A “Type 4” system is one that utilizes pre-treatment technology prior to the drainfield, typically some form of an aerobic treatment tank. Section 2.3.5 provides further information on Type 4 systems.

**Table 2-1: Existing SSTS Types at Inspected Properties**

System Style	Number	Percent
Subsurface Drainfield	123	61%
Holding Tank	27	14%
Cesspool or Drywell	24	12%
Mound	13	7%
Pre-treatment System	12	6%
Unknown	3	2%
<b>TOTAL</b>	<b>202</b>	<b>100%</b>

### 2.3.2 SSTS Compliance Status

Upon visiting each individual property, a determination was made regarding if the SSTS for the dwelling(s) was compliant or non-compliant with Minnesota Rules Chapter 7080-7083 and Le Sueur County Zoning Ordinance Section 17.

The SSTS that are non-compliant were identified as either an Imminent Threat to Public Health or Safety (ITPHS) or Failure to Protect Groundwater (FTPG). Systems deemed an ITPHS are not granted the 5-year replacement grace period provided for FTPG systems by the FRST Ordinance, and must be replaced or repaired within 10 months.

SSTS compliance status as reported here represents the findings of the FRST inspection process. Some properties identified here as non-compliant may have upgraded or began the upgrade process in response to learning their SSTS was non-compliant. Those potential upgrades are not reflected in this report.

Table 2-2 summarizes the SSTS compliance status data for the 189 inspected properties.

**Table 2-2: SSTS Compliance Status of Inspected Properties**

Compliance Status	Number	Percent
Compliant*	117	58%
Failure to Protect Groundwater (FTPG)	71	35%
Imminent Threat to Public Health or Safety (ITPHS)	14	7%
<b>TOTAL</b>	<b>202</b>	<b>100%</b>

\*Includes 25 compliant holding tank systems

Table 2-3 summarizes the SSTS compliance status of all 344 wastewater-generating properties within the FRST project, including the 155 properties that had been certified as compliant on or after January 1, 2011 and were thus not subject to the mandatory 2017 inspections. These 155 properties were assumed to still meet compliance criteria for the purpose of this study.

**Table 2-3: SSTS Compliance Status of All FRST Properties**

Compliance Status	Number	Percent
Compliant	274	76%
Failure to Protect Groundwater (FTPG)	71	20%
Imminent Threat to Public Health or Safety (ITPHS)	14	4%
<b>TOTAL</b>	<b>359</b>	<b>100%</b>

### 2.3.3 Compliance Inspection Results Summary

Approximately 41% of inspected properties had non-compliant SSTS, including 12 ITPHS systems. Among all FRST properties, approximately 22% were non-compliant, meaning the FRST project area has a current overall SSTS compliance rate of 78%.

### 2.3.4 Comparison with the Jefferson German Septic Inventory Project

In 2011/2012, Le Sueur County Environmental Services conducted the Jefferson German Septic Inventory Project (JGSIP), which assessed SSTS compliance in the German-Jefferson chain of lakes area. Table 2-4 below compares the overall compliance rates of the FRST and JGSIP projects.

**Table 2-4: Overall Compliance Status JGSIP and FRST**

Compliance Status	JGSIP (2012)	FRST (2017)
Compliant	54%	76%
Failure to Protect Groundwater (FTPG)	45%	20%
Imminent Threat to Public Health or Safety (ITPHS)	1%	4%

As shown in the table above, the SSTS compliance rate was significantly higher in the FRST study area compared to JGSIP. One possible explanation for the differences in compliance rates between the two projects is that state and local SSTS regulatory policy has been effective. Two policies in particular have impacted SSTS compliance in Le Sueur County:

- ▲ The Le Sueur County SSTS ordinance requires that a property have a compliant septic system prior to pulling a zoning permit or prior to any property transfer. The JGSIP was concluded in 2012, and in the time since, numerous property improvements and property transfers occurred in the FRST area. As a result, approximately 44% of the FRST properties have new or recently inspected SSTS (157 out of 359 properties) since 2011.

- ▲ Second, Minnesota rules established in 2008 require that the local SSTS regulatory authority verify that a proposed SSTS has suitable vertical separation (36") from seasonally saturated soil or bedrock as part of the permitting process. This results in few, if any, systems installed in 2008 or later failing a subsequent inspection due to the drainfield lacking the required vertical separation. Lack of vertical separation is the reason for the vast majority of non-compliant septic inspections state-wide, and this factor has been largely eliminated in SSTS installed in the last 10 years.

### 2.3.5 Likely Future SSTS Options for Individual Properties

All SSTS will need to be replaced at some point. A property's options for a replacement system is largely determined by the amount of available open and undisturbed lawn area. Properties with limited lot sizes or a small percentage of undisturbed open lawn area may not be able to install a new standard SSTS when needed. An objective of the FRST project was to identify the likely future SSTS options for each property. See Figures 5 - 7 for maps of each property's likely future SSTS.

In Minnesota, SSTS are classified into several different "Types":

- ▲ **Type 1 SSTS:** A standard septic system that meets all state and local design, installation, setback requirements. Includes mound systems.
- ▲ **Type 2 SSTS:** Holding tank systems and all systems installed in floodplains.
- ▲ **Type 3 SSTS:** A system that includes a drainfield but that cannot meet drainfield sizing requirements due to site constraints or any system installed on disturbed or problematic soil. Type 3 SSTS require additional permitting steps and typically require long-term monitoring.
- ▲ **Type 4 SSTS:** A system that utilizes approved and registered pre-treatment technology to deliver more highly treated effluent to the drainfield than a standard septic system. Such technologies are used to treat high-strength waste or to allow for a smaller drainfield and/or reduced vertical separation from groundwater or bedrock. Type 4 SSTS require additional permitting, monitoring, and maintenance.

Type 3 or 4 systems are used to address site constraints that prevent the installation of a standard septic system. They have more permitting requirements, and carry higher costs for design, construction, and maintenance. Type 3 systems may utilize flow-restriction devices that physically limit daily water use and Type 4 systems utilize technologies that require constant electricity use and ongoing maintenance. Both types of systems carry permits that require the owner to submit annual monitoring and maintenance information to the County.

Table 2-5 shows an estimate of the likely future SSTS for each inspected FRST property. This determination was made based on observed soil conditions, current system location, estimated wastewater flow for each property, and observed site constraints.

**Table 2-5: Likely Future SSTS for Inspected Properties**

<b>SSTS Type</b>	<b>Number</b>	<b>Percent</b>
Type 1	81	36%
Type 2	42	22%
Type 3 or 4	79	42%
<b>TOTAL</b>	<b>202</b>	<b>100%</b>

Table 2-6 shows an estimate of the likely future SSTS for all FRST properties currently generating wastewater. For the 157 non-inspected properties, this was estimated based on known soil conditions of adjacent properties, lot size, site constraints as observed off-property or via aerial imagery, and estimated wastewater flow.

**Table 2-6: Likely Future SSTS for All FRST Properties**

<b>SSTS Type</b>	<b>Number</b>	<b>Percent</b>
Type 1	174	51%
Type 2	56	16%
Type 3 or 4	114	33%
<b>TOTAL</b>	<b>359</b>	<b>100%</b>

The estimates for Type 1 systems in Table 2-6 include 48 properties currently connected to compliant Type 1 cluster systems. It is assumed here that each property will remain on their cluster system if/when the cluster drainfields need to be replaced.

The majority (84%) of properties likely have adequate space for some type of drainfield, while 16% of properties are likely restricted to a holding tank system due to lack of available area for any type of drainfield. The primary concern of a holding tank system is the cost of frequent tank pumping, especially for properties occupied full-time. A fulltime residence may need to have the tank pumped every few weeks, at a cost of \$200 or more per pump-out. However, a holding tank system may be appropriate or even desired for low-occupancy seasonal/weekend cabins on small lots due to the small footprint and lower cost of design and installation compared to an SSTS with a drainfield.

## 3.0 Summary and Next Steps

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### 3.1 SUMMARY

A summary of the findings for the 189 inspected properties of the FRST project is as follows:

- ▲ 202 properties had a compliance inspection completed during the FRST project
- ▲ 58% (117) of the inspected SSTS are compliant
  - Holding tanks comprise 22% (25) of the compliant SSTS
  - The remaining 78% (86) of the compliant SSTS have an individual sewage treatment area (mound or subsurface drain field).
- ▲ 35% (71) of the inspected SSTS are non-compliant and fail to protect groundwater.
- ▲ 7% (14) of the inspected SSTS were imminent health threats.

A summary of the findings for all FRST properties is as follows:

- ▲ 359 current wastewater-generating properties are within the FRST project area
- ▲ 76% (274) of the properties are estimated or known to be compliant
  - Properties connected to a cluster treatment area comprise 18% (48) of the compliant properties
- ▲ 20% (71) of the properties are known to be non-compliant and fail to protect groundwater
- ▲ 4% (14) of the properties are known to be non-compliant and imminent health threats

### 3.2 NEXT STEPS

The County will enforce the FRST Ordinance, which requires that all FTPG non-compliant systems in the project area be upgraded or replaced by December 31, 2022. All non-compliant ITPHS systems must be replaced within 10 months of the date of inspection.

After December 31, 2022, all systems must permanently maintain a valid Certificate of Compliance<sup>4</sup>.

The City of Elysian and the City of Waterville will receive this report and may use it to help with long-term infrastructure planning.

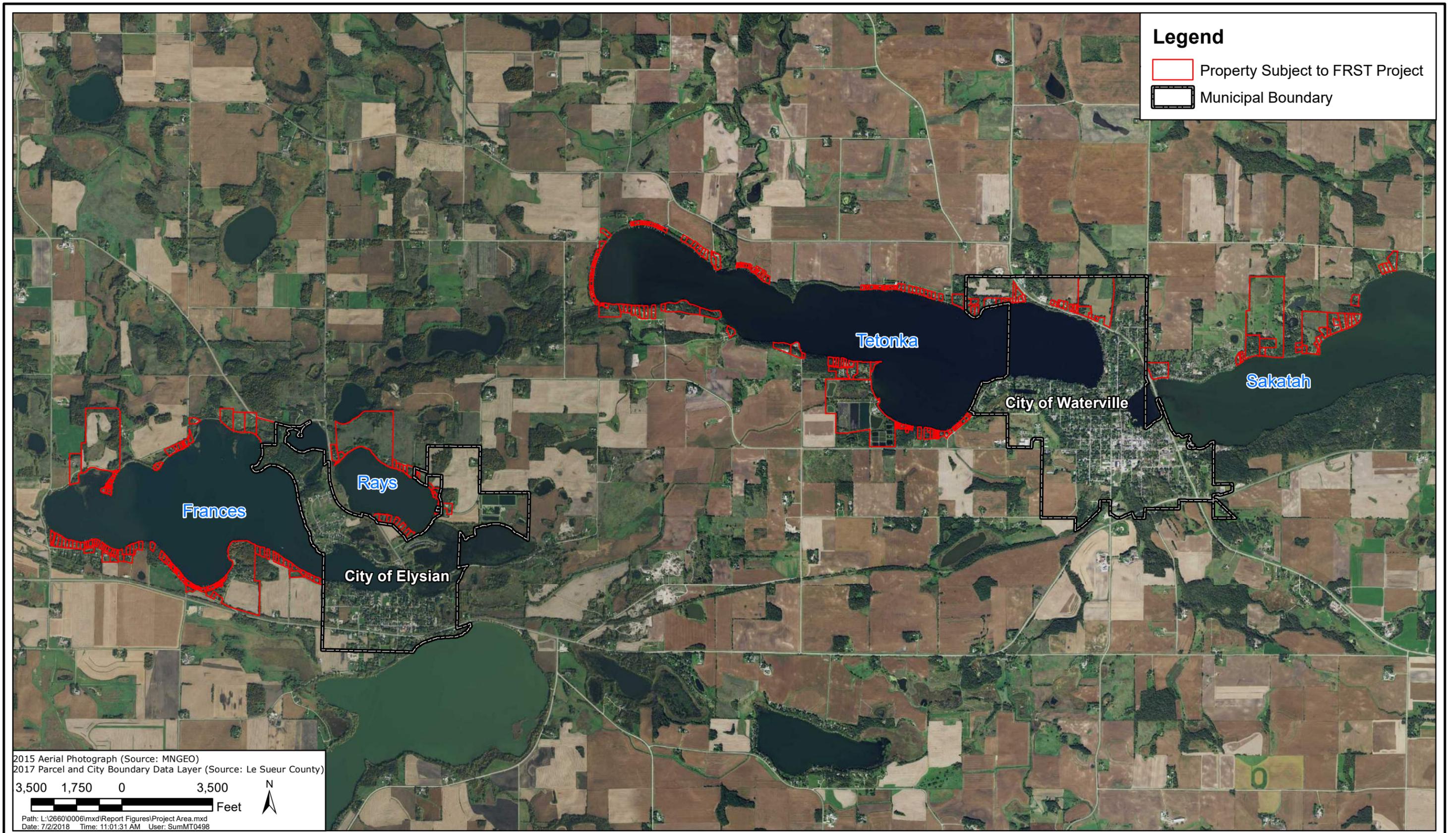
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<sup>4</sup> A Certificate of Compliance (COC) is a form submitted to the local SSTS authority by a licensed SSTS Inspector following a compliance inspection. It provides inspection details and a signed affirmation from the Inspector that the SSTS meets current state and local compliance criteria. The COC is valid for three years from the date of inspection.

## Figures

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1. Site Location Map
2. SSTS Compliance Status – Lake Frances and Rays Lake
3. SSTS Compliance Status – Tetonka Lake
4. SSTS Compliance Status – Sakatah Lake
5. Likely Future SSTS – Lake Frances and Rays Lake
6. Likely Future SSTS – Tetonka Lake
7. Likely Future SSTS – Sakatah Lake



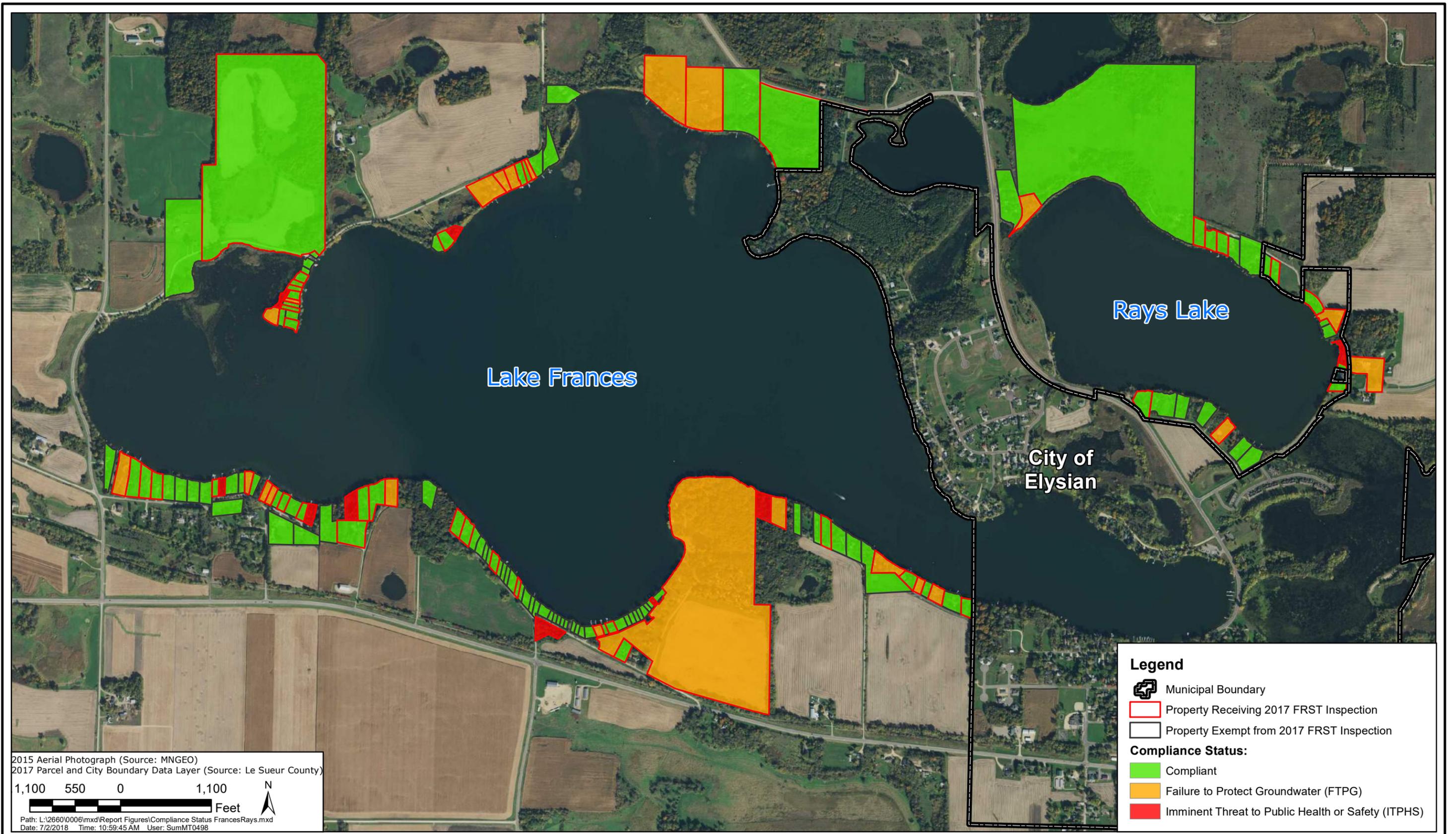
FRANCES, RAYS, SAKATAH, AND TETONKA SEPTIC INVENTORY PROJECT

Project Area



JUNE 2018

Figure 1



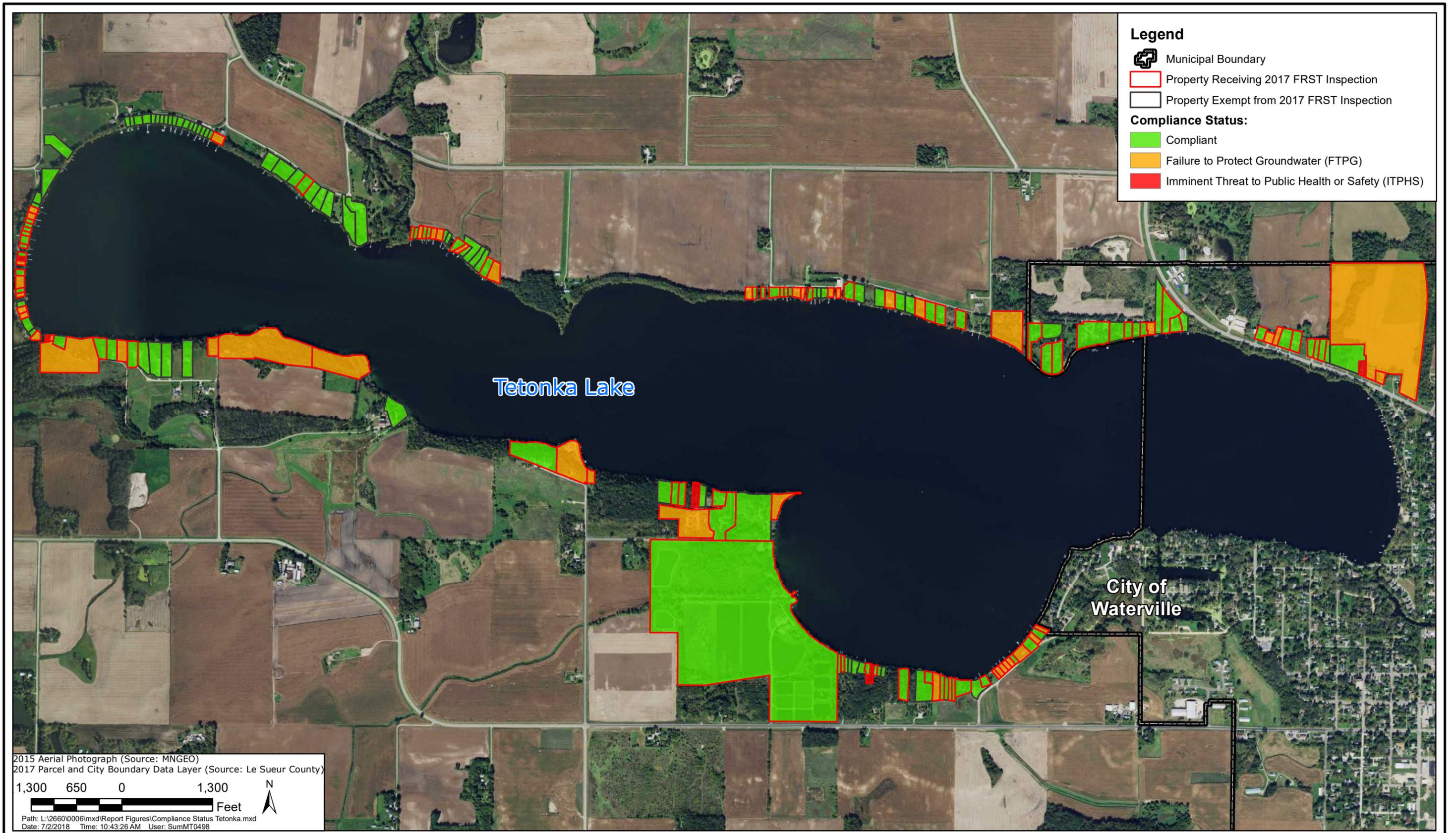
FRANCES, RAYS, SAKATAH, AND TETONKA SEPTIC INVENTORY PROJECT

Compliance Status - Frances and Rays



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Figure 2



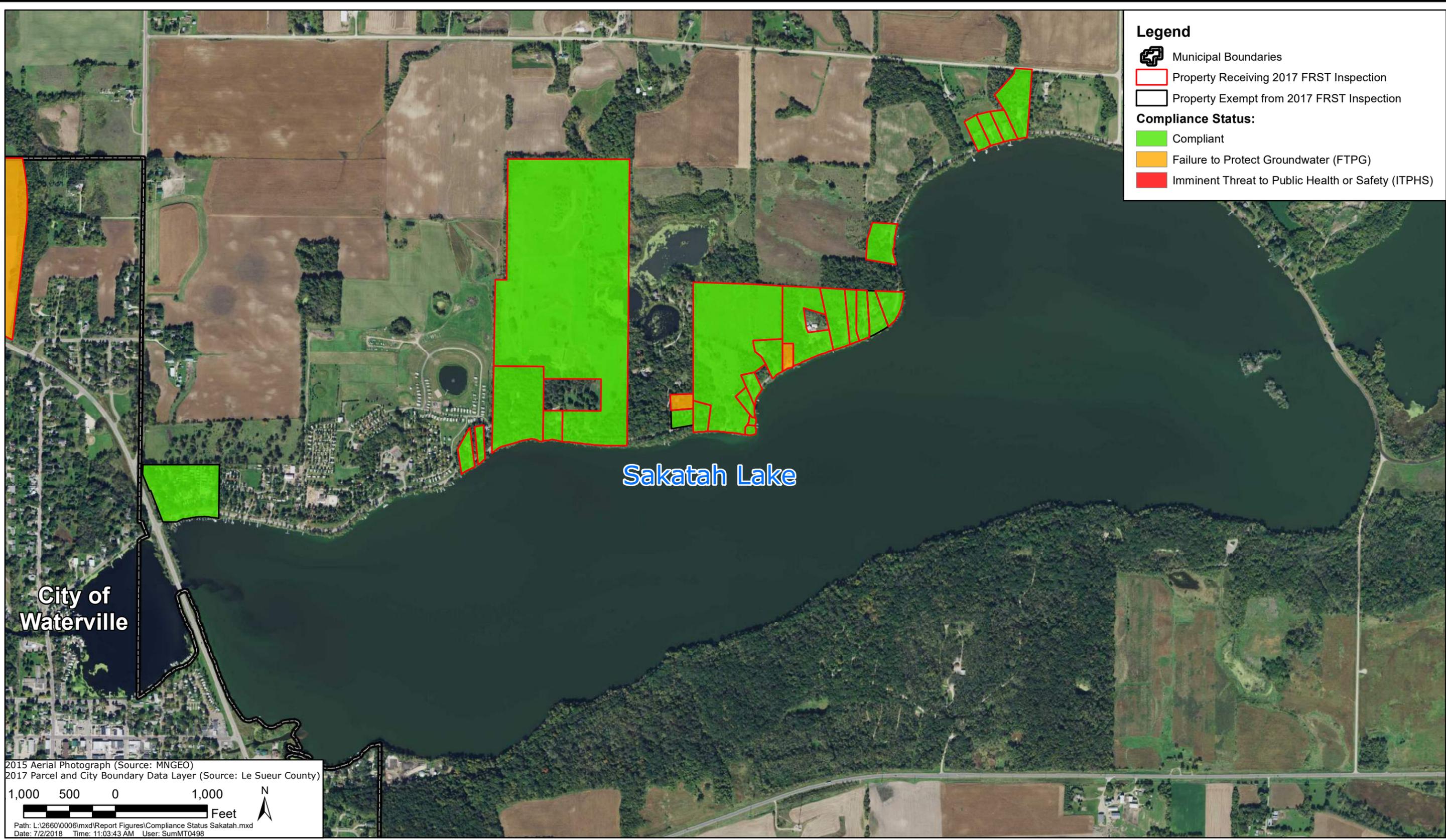
FRANCES, RAYS, SAKATAH, AND TETONKA SEPTIC INVENTORY PROJECT

Compliance Status - Tetonka



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Figure 3



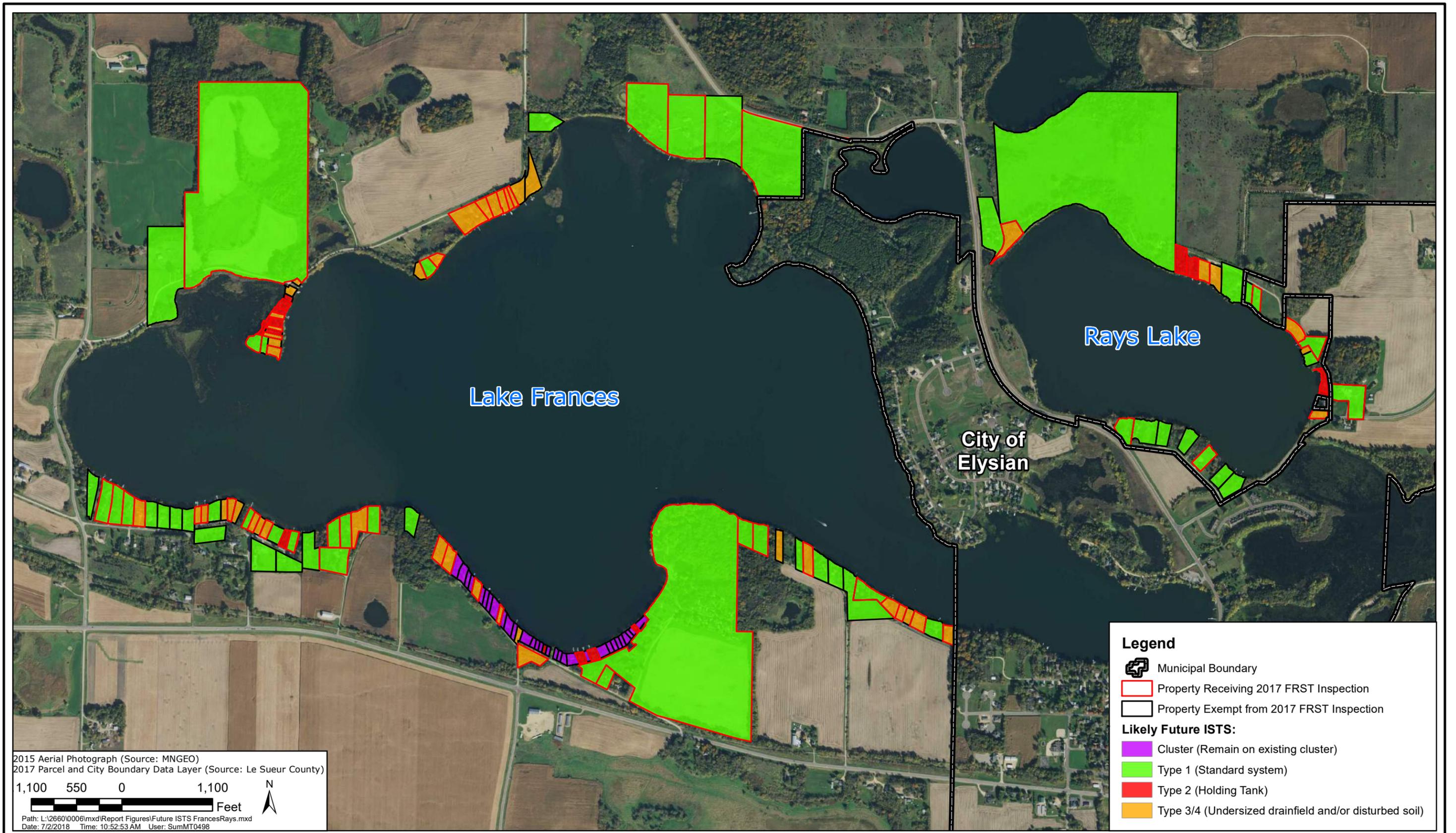
FRANCES, RAYS, SAKATAH, AND TETONKA SEPTIC INVENTORY PROJECT

Compliance Status - Sakatah



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Figure 4



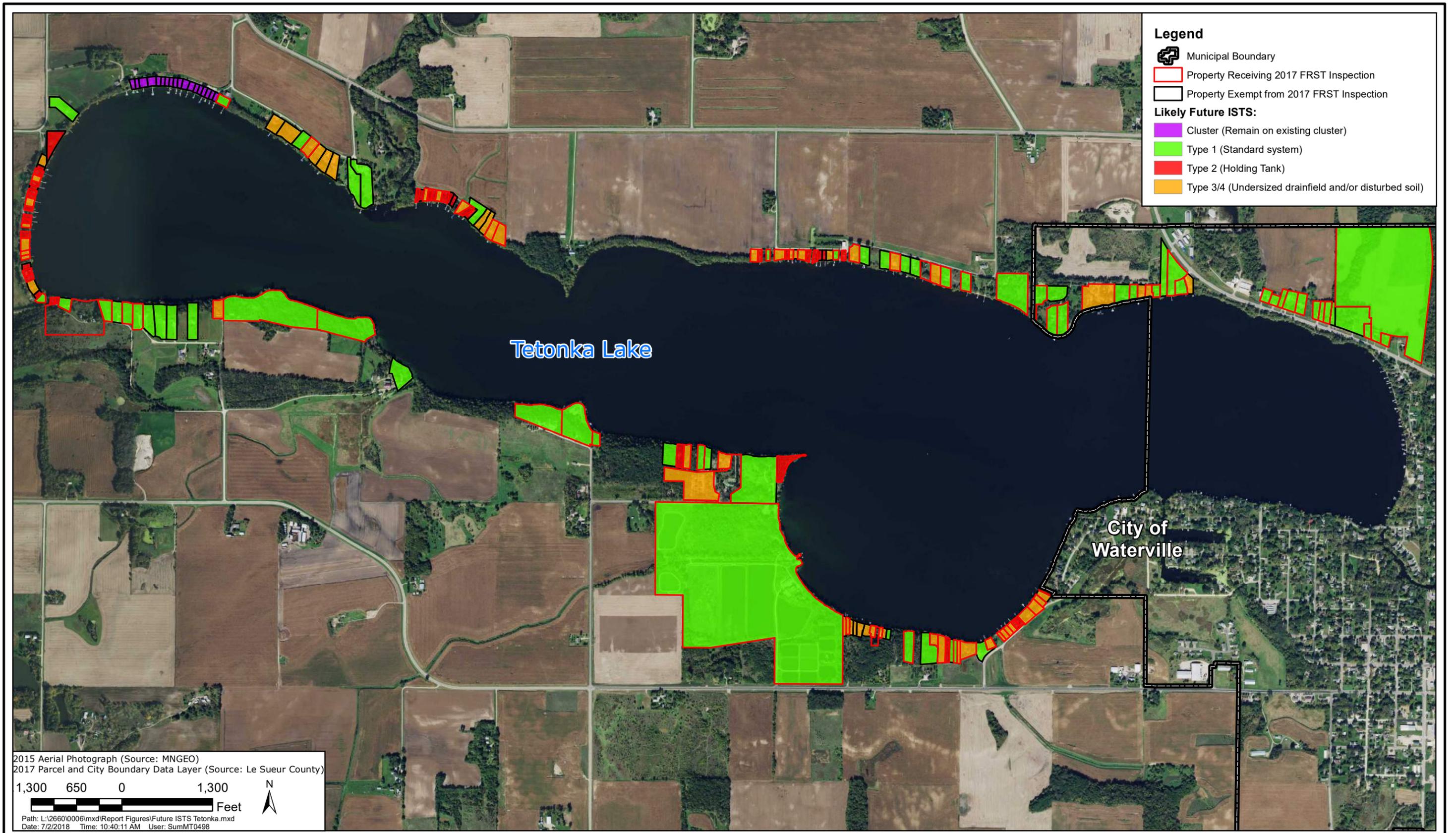
FRANCES, RAYS, SAKATAH, AND TETONKA SEPTIC INVENTORY PROJECT

Likely Future SSTS - Frances and Rays



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Figure 5



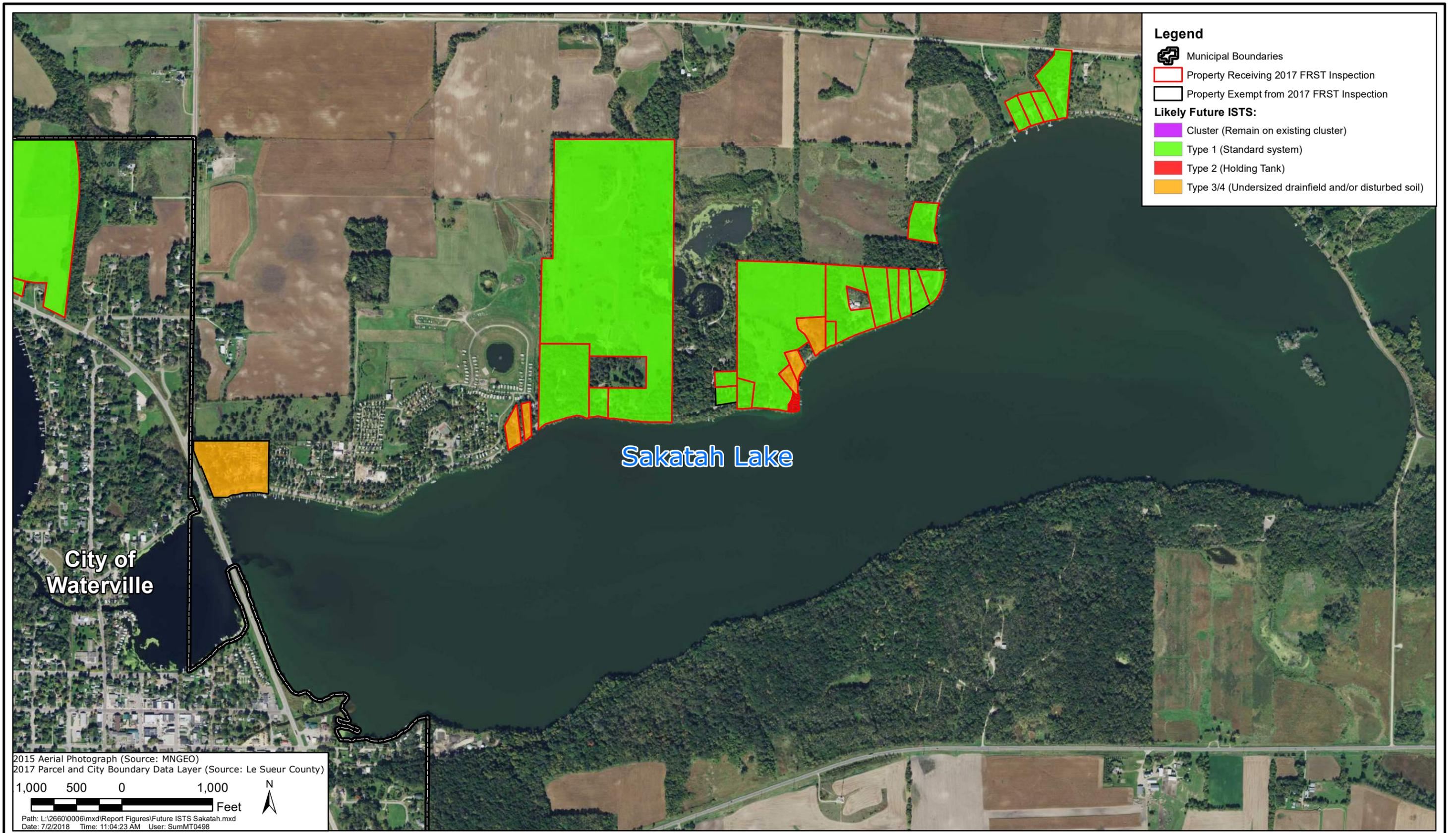
FRANCES, RAYS, SAKATAH, AND TETONKA SEPTIC INVENTORY PROJECT

Likely Future SSTS - Tetonka



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Figure 6



FRANCES, RAYS, SAKATAH, AND TETONKA SEPTIC INVENTORY PROJECT

Likely Future SSTS - Sakatah



JUNE 2018

Figure 7

FRST Ordinance



**Le Sueur County Board of Commissioners**

**Mailing Address: 88 South Park Ave., Le Center MN 56057  
507-357-2251**

**PUBLIC NOTICE**

The Le Sueur County Board of Commissioners, after proper notice and publication, held a public hearing on October 18, 2016 on the adoption and enactment of an ordinance entitled "**Le Sueur County Ordinance Requiring Inspection of Subsurface Sewage Treatment Systems (SSTS) Within the First Tier and Recreational Properties Adjacent to Lake Frances, Rays Lake, Sakatah Lake, and Tetonka Lake.**" After hearing public testimony with due deliberation, the Le Sueur County Board of Commissioners voted 5 ayes and 0 nays to adopt the Ordinance.

The Ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Passed this 18<sup>th</sup> day of October 2016.

A handwritten signature in blue ink, appearing to read "John King".

Chairman, John King, Le Sueur County Board of Commissioners

A handwritten signature in blue ink, appearing to read "Darrell Pettis".

Attest: Darrell Pettis, Le Sueur County Administrator

**Le Sueur County Ordinance Requiring Inspection of  
Subsurface Sewage Treatment Systems (SSTS) Within the  
First Tier and Recreational Properties Adjacent to Lake  
Frances, Rays Lake, Sakatah Lake, and Tetonka Lake  
Ordinance No. \_\_\_\_\_**

## **Section 1 – Statutory Authority**

- 1.1** 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 – Definitions**

- 2.1 Regulated Lake** - Regulated Lake shall mean Lake Frances (DNR lake number 40005700 in Le Sueur County), Rays Lake (DNR lake number 40005600 in Le Sueur County), Sakatah Lake (DNR lake number 40000200 in Le Sueur County), and Tetonka Lake (DNR lake number 40003100 in Le Sueur County).
- 2.2 Department** – Department shall mean the Le Sueur County Environmental Services Department.
- 2.3 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.
- 2.4 SSTS** – SSTS shall mean Subsurface Sewage Treatment System and shall be defined as contained in Minnesota Rules, Chapters 7080.
- 2.5 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.
- 2.6 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.

### **Section 3 – Enforcement**

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

### **Section 4 – Violations and Penalties**

**4.1** 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.

### **Section 5 – Access to Property**

**5.1** Where a property owner, after reasonable notice, refuses to permit the inspection of an SSTS pursuant to this Ordinance, the County reserves the right to seek an administrative search warrant to perform a Compliance Inspection.

### **Section 6 – General Provisions**

- 6.1** 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.
- 6.2** 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.
- 6.3** Compliance inspections shall be completed using the Compliance Inspection Form for Existing SSTS as promulgated by the Minnesota Pollution Control Agency.
- 6.4** Compliance inspections shall be completed by a State licensed SSTS Inspector by December 31, 2017.

**6.5** Compliance inspections shall be paid for by use of \$332,800 granted to Le Sueur County under the *Frances, Rays, Sakatah, Tetonka (FRST) Septic Inventory Accelerated Implementation Grant* funded 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 FRST Project, Wenck Associates, Inc. (Wenck). A Minnesota Pollution Control Agency-licensed SSTS Inspector, Intermediate Inspector, or Advanced Inspector other than Wenck 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.

**6.6** Non-compliant SSTS must be upgraded, repaired, or replaced by Dec 31, 2022, except:

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

**6.7** All SSTS subject to this Ordinance shall be kept in a continuous state of compliance. From December 31, 2022 forward, an SSTS compliance inspection report shall be completed

- a) For an existing SSTS, once every three years from the previous date of issuance.
- b) For a new or upgraded SSTS within five years from the date of issuance and, thereafter every three years.

**6.8** The following SSTS shall be exempt from the requirements of Section 6.1 through 6.2 of this Ordinance:

**6.8.1** SSTS that were constructed or altered after January 1, 2011 for which a Certificate of Compliance was issued by the Department.

**6.8.2** SSTS that were inspected by a state licensed SSTS Inspector after January 1, 2011 for which a Certificate of Compliance was issued by the inspector.

**6.8.3** SSTS that were inspected by a state licensed SSTS Inspector after January 1, 2016 for which a Notice of Noncompliance has been issued by the inspector.

**6.8.4** 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.

**Section 7 – Severability**

**7.1** If any part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

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

Passed and Approved: October 18, 2016

Signed:   
Chair, County Board

Attest:   
County Administrator

Published: \_\_\_\_\_



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