



Minnesota  
Pollution  
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Section

# Facts About Compliance Inspections

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## What is a Compliance Inspection?

In the past, Minnesota did not have a statewide definition for "compliance inspection." Township, city and county (local unit of government or LUG) ordinances provided a definition appropriate for their individual programs. Areas without ordinances had no definition to follow. Minn. R. ch. 7080 now provides a minimum definition for the state.

"Compliance inspection" means any evaluation, investigation, inspection, or other such process to make conclusions, recommendations, or statements regarding an Individual Sewage Treatment System (ISTS) to reasonably assure an ISTS is in compliance. Compliance inspections must be conducted by a qualified employee or under a licensed inspector independent of the owner and the installer.

LUGs can make the requirements for a compliance inspection more or less restrictive than Chapter 7080 in their ordinances. Always check with your LUG for more or less restrictive requirements. Minn. Stat. § 115.55, subd. 2 (c) requires LUGs to offer a list of differences between the local ordinance and Chapter 7080.

## When is a System NOT in Compliance?

There are statewide minimum standards for ISTS compliance criteria outlined in Minn. §§ 155.55 - 115.56 and Minn. R. ch. 7080\*.

A system is NOT in compliance if it is an imminent public health threat (IPHT) or failing.

A. A system is an IPHT if there is a:

- Sewage discharge on the ground surface;
- Sewage discharge to surface water;
- Sewage backup into a dwelling or other establishment; or
- Any other situation with the potential to immediately and adversely affect or threaten public health or safety.

B. A system is failing if:

- Sewage effluent is discharging to a cesspool, seepage pit, drywell or leaching pit;
- New construction or replacement does not meet the technical standards and criteria, including three feet of separation (7080.0020, subpart 46a);
- An existing system does not have adequate vertical separation:
  - a) At least three feet of vertical separation is required for systems located in a shoreland or wellhead protection area and for systems associated with food, beverage or lodging establishments and





- b) At least two feet of vertical separation is required for systems NOT located in a shoreland or wellhead protection area and for systems NOT associated with food, beverage. Local ordinances may be different from Chapter 7080. It is the inspector's responsibility to know all local ordinances (e.g., city, town and county) that apply to a particular system and understand that the most restrictive ordinance requirements apply.

### When are Compliance Inspections Required?

After December 31, 1995, a compliance inspection must be conducted when an ISTS is newly installed or replaced and before a building permit is issued for the addition of a bedroom. The inspection requirement before issuance of a bedroom addition permit may be temporarily waived if the permit application is made between November 1 and April 30. Under these circumstances, an inspection must be conducted by June 1 and a Certificate of Compliance obtained by September 30.

Some LUG ordinances require a compliance inspection at property transfer. This is NOT a state requirement; however, a complete compliance inspection must be conducted for the ISTS disclosure if anyone other than the property owner evaluates the system.

### Who Can Conduct a Compliance Inspection?

As of April 1, 1996, inspections must be completed by employees of a business with a state Designer I or Inspector license or by county, city, or township employees with state Designer I or Inspector registration. The Designer I or Inspector of new construction or replacement must be independent of the ISTS owner and the installer. A licensed Inspector or Designer I who is also a licensed installer can inspect an existing system and subsequently replace.

Businesses with state Designer II, Installer or Pumper licenses cannot conduct compliance inspections. However, maintenance and repair problems can be reported to system owners under an Installer license and problems related to sewage tanks, dosing chambers, baffles, maintenance hole covers, extensions, pumps and evaluations of water tightness can be reported to system owners under a Pumper license. This type of "advice" does not require issuance of a Certificate of Compliance or Notice of Noncompliance.

### Certificates of Compliance, Notices of Noncompliance and System Upgrade

Certificates of Compliance and Notices of Noncompliance are certified statements written after a compliance inspection and are signed by a qualified employee or licensed and registered ISTS professional. They are typically a part of the inspection report.

Certificates of Compliance give notice that an ISTS is IN compliance. Notices of Noncompliance give notice that an ISTS is NOT in compliance. Systems not in compliance must be upgraded, replaced, repaired or their use discontinued within a specific time period:

- The time period for any system posing an imminent threat to public health or safety cannot be longer than ten months after the owner receives the Notice of Noncompliance.
- The time period which any failing system must comply is established by a LUG ordinance.
- If the inspection was triggered because of a bedroom addition permit and the ISTS was installed between May 27, 1989, and January 23, 1996, a property owner has five years from the date of the bedroom permit addition issuance to upgrade the ISTS.

Certificates of Compliance or Notices of Noncompliance must be submitted to the system owner and LUG within 30 days after the date of inspection.

### How Long are Certificates of Compliance and Notices of Noncompliance Valid?

Certificates of Compliance for new construction or replacement are valid for five (5) years from the date of issuance, while a Certificate of Compliance for an existing system is valid for three (3) years. LUGs or authorized inspectors of LUGs should still check systems to verify that they are not imminent public health threats within the time period of validity.

### How Do I Get More Information?

The MPCA has developed an inspection form for existing ISTS inspections that includes the Certificate of Compliance and Notice of Noncompliance. Call the MPCA at (800) 657-3864 and ask for your area ISTS representative for additional information and to obtain a copy of the suggested inspection form or visit the MPCA web site for more information at:

<http://www.pca.state.mn.us>