

Frequently Asked Questions About the Formation of Sanitary Districts Under Minn. Stat. §§ 115.18 to 115.37

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What is a sanitary district?

- A sanitary district is a single governmental authority created for the special purpose of resolving a regional pollution problem by “providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage, garbage and industrial wastes within the district”. (Minn. Stat. § 115.18)

Why form a sanitary district?

- address an environmental and public health problem
- centralized authority to approach problems without requiring incorporation or annexation
- mechanism for assessment of costs over a given service area

What are the advantages of forming a sanitary district?

- Size and configuration can be determined according to need.
- An equitable governing board membership.
- Special and related problem areas can be taken into consideration.
- All authority for construction, operation of treatment and collection system rests with one power to finance.
- Cost can be distributed over the entire district.
- Domestic sewage, garbage and industrial wastes have a less detrimental effect on water quality.

- Can allow for safer drinking water.
- May remedy or alleviate a potential problem for human health and the environment.

What is the process of forming a sanitary district?

- Petition submitted to Minnesota Pollution Control Agency (MPCA).
- MPCA, with assistance from the Attorney General’s Office, reviews petition in detail.
- Once the MPCA determines the petition is complete, Notice of Intent to Approve Creation of District published in *State Register* and mailed to all affected property owners.
- Thirty day period for landowners to request hearing and submit written comments.
- Contested case hearing held if MPCA receives 25 or more timely written requests.
- After the conclusion of the public notice period or the holding of a hearing, if required, Findings of Fact, Conclusions, and Order published in *State Register* and mailed to all affected property owners.
- Thirty day period for landowners to appeal the Order.
- If no appeal is taken or after the Order is affirmed by the appellate court(s), Order filed with Secretary of State.

What are common mistakes made during the petition process?

- error in legal description
- failure to submit all documentation
- petition signed prior to 40 day notice period for resolution(s)
- needs documentation absent or weak
- lack of support from affected property owners

What are suggestions to improve the petition process?

- Make sure that landowners in the proposed district understand the plans to create the district.
- Address the concerns of landowners in the proposed district so that opposition is limited.
- Submit all documentation required by statute and by the MPCA.
- Follow the statute closely to ensure proper procedure.

Who can I consult for more information?

- legal advisor
- engineering consultant
- members of other sanitary district boards
- Minnesota Pollution Control Agency

For more information

The MPCA has staff available to answer your questions about sanitary districts. Please contact us at 218-302-6652, toll-free at 800-657-3864; or TTY at 651-282-5332.

Additional information can also be found at the MPCA website: <http://www.pca.state.mn.us/enzqb31>.