

Requirements for cities and townships that choose to have a Subsurface Sewage Treatment System program

The Minnesota Pollution Control Agency (MPCA) will be checking in with all city and townships who have determined to implement their own Subsurface Sewage Treatment System (SSTS) program. The purpose of this check-in is to ensure that 1) city and township ordinances are up-to-date with the changes that have occurred with the adoption of county ordinances and 2) cities and townships have the administrative capability and commitment to implement the SSTS program. This factsheet identifies requirements for city and township programs.

Background

In 2013, there were approximately 170 city, township, and other local (i.e., Water Management District, Joint Powers) SSTS programs, based upon information provided by local governments in their 2013 annual report to the MPCA. Minn. Stat. 115.55, subp. 2 states “cities and townships may choose to regulate septic systems”. Counties are mandated to administer SSTS programs whenever there is no city or township program. This same statute requires that city and township SSTS programs must be at least as stringent as their county’s program.

Minnesota law requires counties to amend their SSTS ordinances, to include the 2014 MPCA SSTS rules, by February 4, 2014. Minn. R. ch. 7082 allows cities and townships another year after county adoption to update their ordinances. The year starts on the date the county adopted an ordinance.

City and township SSTS programs must have the following legal, technical and administrative capabilities

Legal capability

- Adopt an SSTS ordinance that meets Minn. R. ch. 7080-83 where no county ordinance exists, and where one does exist, is no less restrictive than the county
- Submit an ordinance to the MPCA for review
- Enforce compliance with the ordinance when noncompliance is found

Technical capability

- Employ a SSTS Qualified Employee (Q.E.) or formally contract with a licensed SSTS Inspector
- Review SSTS permit applications for compliance with ordinance
- Ensure management plans are included with applications
- Ensure registered SSTS products (sewage tanks, treatment products, distribution media products) are used at the time of plan review and system construction
- Issue construction permits, and in some cases, operating permits
- Inspect SSTS at time of construction
- Verify soils at time of construction before issuance of a certificate of compliance
- Track compliance for operating permits

Administrative capability

- Have an administrator who has taken the required training (at a minimum, the web-based training of 13 videos that is provided on MPCA's website at the following location): <http://www.pca.state.mn.us>
- Keep required records
- Provide the MPCA with the required annual report by February 1st of each year
- Provide the MPCA with a complete list of SSTS tanks installed each year by installers and homeowner installed systems by February 1st of each year
- Include technical requirements for systems less than 5,000 gallons per day (chapter 7080) and for systems greater than 5,000 gallons per day (chapter 7081)

Local units of government can contract for design review and construction inspection services

Care must be taken to avoid conflicts of interest

State rules prohibit a contracted designer or inspector from designing a system and then approving the design. Rules also prohibit a contracted inspector from installing a system and then approving the installation (assuming the inspector holds all appropriate licenses).

The state rule allows the following:

Sequential step	Activity	Documentation	Who does the work
Step 1	Design system*	Design report	SSTS licensed designer
Step 2	Review and approve design	Construction permit	Contract SSTS inspector
Step 3	Install system*	As-built drawing	SSTS licensed installer
Step 4	Inspect system	Certificate of Compliance or Notice of Noncompliance	Contract SSTS inspector
Step 5	Administer program	Ensure notices of non-compliance are upgraded; review data submitted for operating permits, oversee program	Township representative (town clerk)

***A business that designs a system can be the same business that installs the system.**

To prevent conflicts of interest

- The same person/business cannot approve a system they design
- The same person/business cannot conduct a construction inspection for compliance on a system they installed