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| FORMS - New mn Logo for Forms with address | SSTS local program  requirements questionnaire  Subsurface Sewage Treatment System (SSTS) Program  Doc Type: Questionnaire |

## Purpose:The Minnesota Pollution Control Agency (MPCA) seeks to provide assistance to local governmental units (LGUs) in administering and implementing effective SSTS Programs statewide. Recognizing our partnership and common goal of well-functioning SSTS Programs, we intend to conduct LGU assessments around the state to work through various program elements necessary to be successful. This questionnaire shall serve as a guide to facilitate these assessments while being transparent in communicating local outcomes and agency expectations. Please note the outcome of an LGU assessment is not for punitive action, rather to initiate a foundation for local SSTS Programs to achieve success while meeting minimum rule requirements. The desired outcome from the LGU assessment process is to enable LGUs to implement effective programs statewide.

## Assessment instructions:Please prepare and submit the following materials to the MPCA staff member conducting your assessment at least two weeks prior to the scheduled date of assessment:

* A full copy of your most recent ordinance.
* One sample SSTS construction permit with all relating documentation (permit application, site evaluation report, design report, inspection report, any local addendums, etc.).
* This questionnaire, completed in full.

## All items found on this questionnaire are derived from minimum mandatory requirements in Minn. R. ch. 7082. The primary purpose for obtaining these answers is for the agency to identify how we can best provide assistance. Therefore, please do your best to provide accurate responses to each question. The questionnaire is broken down into categories reflecting the four critical elements needed for LGUs to have an SSTS Program: ordinance requirements, enforceability, annual reporting, and permitting/inspection program. Underneath each question identifies the method used by the MPCA to evaluate LGU performance, along with a short justification outlining the need and reasonableness of each rule requirement. Please provide specific answers in the blanks provided for the questions that ask for them. For each “no” response, please include a brief plan of action indicating steps that can be taken in order to satisfy that requirement. The plan of action is meant to initiate discussion with MPCA assessment staff. For this reason, this questionnaire is recommended to be completed and filled out electronically. Space is provided at the the end of this questionnaire for any additional comments.

## If you have any questions on the use of this form or about LGU assessments in general, please contact your regionally assigned SSTS Compliance and Enforcement (C&E) staff member. For help finding your assigned C&E contact, use the [SSTS Field Staff Map](https://www.pca.state.mn.us/sites/default/files/wq-wwists1-24.pdf) (found on the MPCA website at <https://www.pca.state.mn.us/water/ssts-staff>.)

**\*If you answer “No” to any of the following questions, please provide a plan of action to facilitate further discussion.**

Ordinance requirements – Do you have an ordinance?  Yes  No

|  |  | **Yes** | **\*No** |
| --- | --- | --- | --- |
| **1.** | **Counties only: Have you adopted an ordinance meeting the requirements of 7080-7082 that applies to all land area within the county not covered under a city or township program? (Minn. R. 7082.0040, subp. 2A)**  ***Agency evaluation method:*** Check with policy staff prior to assessment to ensure county ordinance has been approved by MPCA and when that review took place. View a copy of county ordinance to verify no changes have taken place since last review. **If no, follow up in three months.**  ***Justification:*** This is a requirement derived from State statute (Minn. Stat. § 115.55, subd. 2). Having an ordinance at the county level is essential to implementing an SSTS Program statewide. If you need any information on developing an ordinance, having MPCA review amendments, or any other ordinance related questions, please contact MPCA policy staff. |  |  |
|  | *What is the date of most recent ordinance?* |  |  |
|  | *If no, please include plan of action:* |  |  |
| **2.** | **Counties only: Have you sent written invitations to all cities and townships within the county soliciting their input and involvement with the county-coordinated process of establishing countywide SSTS ordinance standards? (Minn. R. 7082.0040, subp. 2B)**  ***Agency evaluation method:*** Ask about the interaction between the county and their local programs – Do they solicit input from local programs when changes are proposed to county ordinance? If no, follow up in 12 months.  ***Justification:*** It is important that local programs within counties have a working relationship with their respective county to ensure a consistent SSTS program is being implemented within the entire jurisdiction. Soliciting input enables counties to be aware of the potential impact of ordinance development and amendments to such local programs. Local programs under a county must also be involved so they can develop ordinance as restrictive as the county’s. |  |  |
|  | *If no, please include plan of action:* |  |  |
| **3.** | **Cities and Townships only: Is your ordinance administratively and technically as strict as the county (all countywide ordinance amendments must be adopted by the city or township within 12 months)? (Minn. R. 7082.0040, subp. 3)**  ***Agency evaluation method:*** See if a list of differences is available between local and county ordinance. If not, compare ordinance with county to ensure they are technically as strict as county ordinance. **If no, follow up in three months.**  ***Justification:*** This is a requirement derived from state statute (Minn. Stat. § 115.55, subd. 2). If a city/township ordinance is not as strict as that of the county’s, the county ordinance applies to those jurisdictions. Counties must meet minimum requirements from state rule, and cities/townships must meet minimum requirements of the county. |  |  |
|  | *Does your ordinance deviate from county ordinance? (may provide this as a separate document)* |  |  |
|  | *If no, please include plan of action:* |  |  |
| **4.** | **Have you prepared and made available to the Agency, and to the public upon request, a written list of all technical and administrative differences between your ordinance and Minn. R. chs. 7080 and 7081? (Minn. R. 7082.0100, subp. 2)**  ***Agency evaluation method:*** Review the list of all technical and administrative differences between local ordinance and Minn. R. ch. 7080 and 7081. **If no, follow up in 12 months.**  ***Justification:*** As mentioned, local programs are allowed to have stricter requirements than minimum standards required in state rule. In order for SSTS professionals to conduct work in compliance with varying local standards in multiple jurisdictions, it is necessary for each LGU to provide an accessible list of differences to the State’s minimum standards. |  |  |
|  | *If no, please include plan of action:* |  |  |
| **5.** | **Does your ordinance contain the provisions in Minn. R. 7082.0100, subp. 3, items A-R?**  ***Agency evaluation method:*** Prior to assessment, review local ordinance and verify that it contains provisions required in Minn. R. 7082.0100, subp 3, items A-R. **If no, follow up in six months.**  ***Justification:*** Conditions in this rule are considered mandatory either due to statutory requirements, or what was deemed necessary and reasonable by the agency. These are items that have been identified as the baseline items necessary for local ordinances to have an effective SSTS program. They are provided on a checklist and verified during Agency review of local ordinance. |  |  |
|  | *If no, please include plan of action:* |  |  |
| **6.** | **Does your ordinance contain technical standards for Individual Sewage Treatment Systems (ISTS) and Mid-sized Subsurface Sewage Treatment System (MSTS) in accordance with Minn. R. 7080 and 7081? (Minn. R. 7082.0050, subp. 3)**  ***Agency evaluation method:*** Prior to assessment, review ordinance for technical standards for ISTS and MSTS. **If no, follow up in three months.**  ***Justification:*** Technical standards from Minn. R. 7080 and 7081 in local ordinance are necessary in identifying prescriptive requirements that meet the minimum standards developed in state code. This gives LGUs the option to adopt minimum standards, set stricter requirements, or even implement a performance program that addresses the specific needs of an area. |  |  |
|  | *If no, please include plan of action:* |  |  |
| **7.** | **Does your ordinance contain a provision requiring the upgrade, replacement, repair, or discontinued use of a system failing to protect groundwater (FTPGW) within a time period, specified by your ordinance, after the owner receives a notice of noncompliance? (Minn. R. 7082.0100, subp. 1A)**  ***Agency evaluation method:*** Prior to assessment, verify a timeframe for FTPGW is specified in local ordinance. **If no, follow up in six months.**  ***Justification:*** This rule is derived from state statute Minn. Stat. § 115.55, subd. 5a. (g). It is the LGU’s discretion to indicate a timeframe for systems FTPGW be upgraded, replaced, or use discontinued. It is necessary for these failing systems to be addressed in a timely manner to mitigate the contamination of drinking water.  *What is your timeframe to upgrade systems failing to protect groundwater in local ordinance?* |  |  |
|  | *If no, please include plan of action:* |  |  |
| **8.** | **Does your ordinance contain a provision requiring the upgrade, replacement, repair, or discontinued use of a system that represents an imminent threat to public health and safety (ITPHS) within 10 months or shorter after the owner receives a notice of noncompliance? (Minn. R. 7082.0100, subp. 1B)**  ***Agency evaluation method:*** Prior to assessment, verify a ten month (or less) timeframe is specified in local ordinance. **If no, follow up in six months.**  ***Justification:*** Minnesota statute requires all systems that constitute an ITPHS must be upgraded, replaced, or use discontinued within 10 months of the issuance of a notice of noncompliance. To protect public health and the environment, it is very important to address ITPHS in a timely manner. LGUs are permitted to have more restrictive requirements for ITPHS, but cannot exceed a ten month timeframe in local ordinance.  *What is the timeframe to upgrade systems that are an imminent threat to public health and safety in local ordinance?* |  |  |
|  | *If no, please include plan of action:* |  |  |
| **9.** | **Does your ordinance require a minimum of two feet of separation for systems built before April 1, 1996, not located in Shoreland, Wellhead, and Food and Beverage (SWF) areas in accordance with Minn. R. 7080.1500, subp 4 E? (Minn. R. 7082.0100, subp. 1C)**  ***Agency evaluation method:*** Prior to assessment, verify at least two-feet minimum separation requirements for existing systems in local ordinance. **If no, follow up in six months.**  ***Justification:*** This is a requirement derived from state statute Minn. Stat. § 115.55, subd. 5a. (c). Due to the large number of systems installed predating Minn. R. ch. 7080, it would be unreasonable to require such a large number of systems to be replaced to the current three-feet vertical separation standard. Therefore, systems built before 1996, which are not located in SWF areas, meet the state minimums if at least two-feet of separation exists. |  |  |
|  | *If no, please include plan of action:* |  |  |
| **10.** | **Was your most recent ordinance amendment and the MPCA’s ordinance review checklist submitted to the Agency prior to adoption? (Minn. R. 7082.0050, subp. 2)**  ***Agency evaluation method:*** Prior to the assessment, check with policy staff to verify date of last Agency review of ordinance. Check the date on current ordinance, and make sure that it is no later than the last version reviewed. **If no, follow up in 12 months.**  ***Justification:*** It is both a statutory requirement to adopt an ordinance that complies with Minn. R. and to submit a copy of the local ordinance to the agency (Minn. Stat. § 115.55, subd. 2.). It is reasonable to have the agency review and verify the ordinance meets the minimum standards, This also allows the agency to identify potential issues and unintended consequences that could result in some changes to local ordinance. |  |  |
|  | *If no, please include plan of action:* |  |  |
| **11.** | **Do you have a soil dispute resolution process? (Minn. R. 7082.0700, subp. 5)**  ***Agency evaluation method:*** Prior to assessment, review ordinance to verify a provision addressing soil dispute resolutions. During the assessment, see if any disputes have taken place and ask for amended documentation. **If no, follow up in 12 months.**  ***Justification:*** If two professionals have different interpretations of the limiting layer in soil observations, there must be a resolution specified to come to a form of agreement. The Agency provides a process which requires the disputing parties meet on site with the LGU. If they still cannot come to an agreement on site, then the LGU has the final call. Another option would be to have a professional soil scientist or third-party qualified professional make the determination. |  |  |
|  | *If no, please include plan of action:* |  |  |

Annual Report – Do you submit an Annual Report?  Yes  No

|  |  | **Yes** | **\*No** |
| --- | --- | --- | --- |
| **12.** | **Did you provide an annual report to the MPCA no later than February 1 for the previous calendar year? (Minn. R. 7082.0040, subp. 5)**  ***Agency evaluation method:*** Prior to assessment, check with policy staff to verify the status of LGU’s most recent annual report. **If no, follow up in three months.**  ***Justification:*** It is necessary to gather information from all local programs so the Agency can gain greater understanding of the current practice in SSTS regulation. This allows our progress addressing problem systems to be tracked. This information is also important to local water planning efforts, to the MPCA Total Maximum Daily Load (impaired waters) program and for basin planning. |  |  |
|  | *If no, please include plan of action:* |  |  |

Enforcement – Do you have enforcement capability?  Yes  No

|  |  | **Yes** | **\*No** |
| --- | --- | --- | --- |
| **13.** | **Do you enforce your ordinance? (Minn. R. 7082.0040, subp. 4B)**  ***Agency evaluation method:*** Ask about ability to enforce local ordinance and obtain the name of LGU attorney or law firm. **If no, follow up in three months.**  ***Justification:*** Local governments are required by statute to enforce local ordinance (Minn. Stat. § 115.55, subd. 3. (2)) Enforcing local ordinance is crucial to implementing an effective program that holds individuals accountable. It also creates a level playing field for SSTS Professionals who are continually meeting applicable requirements.  *What is the name of your local attorney or law firm?*    *How do you enforce your ordinance?* |  |  |
|  | *If no, please include plan of action:* |  |  |

Permit program – Do you have a permitting/inspection program?  Yes  No

|  |  | | | **Yes** | **\*No** | **NA** |
| --- | --- | --- | --- | --- | --- | --- |
| **14.** | **Counties only: Do you permit and inspect SSTS within cities, townships, and all other areas of the county that do not administer an SSTS ordinance that meets the requirements of Minnesota Rules? (Minn. R. 7082.0040, subp. 2A)**  ***Agency evaluation method:*** Ask which jurisdictions in the county are running an SSTS program and if the county acknowledges their coverage of the remaining jurisdiction within the county boundaries. **If no, follow up in three months.**  ***Justification:*** SSTS permitting and inspection applies to all areas that do not have local SSTS programs. Additionally, counties are responsible for permitting and inspecting within cities and townships that do not have ordinances in compliance with state rule. This ensures a reasonable level of oversight is in place for all areas of the state, including areas with noncompliant SSTS ordinance. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **15.** | **Do you have an employee who has received training on administration of local SSTS programs? (Minn. R. 7082.0040, subp. 4A(2))**  ***Agency evaluation method:*** Ask if the local administrator has taken the video training available on the MPCA website. **If no, follow up in six months.**  ***Justification:*** Local administrators should have an understanding of how the SSTS program is implemented statewide. The training provides detailed explanations on many facets of the SSTS program, to include local responsibilities. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **16.** | **Do you require permits for all new construction and replacement systems? (Minn. R. 7082.0500, subp. 1)**  ***Agency evaluation method:*** Prior to assessment, review ordinance to verify permits are required for all new and replacement systems. If application form is not included with sample permit received, then view a blank copy during assessment. **If no, follow up in three months.**  ***Justification:*** New construction and replacement systems are required to meet the minimum technical standards outlined in the most current state rule. With minimum local permitting requirements in mind, new and replacement systems are ensured to meet those standards. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **17.** | **Does your permit application require the submittal of, at a minimum, the property address and owners, a site evaluation report, a design report, and a management plan? (Minn. R. 7082.0500, subp. 2)**  ***Agency evaluation method:*** View a copy of a recent permit application submittal, and verify that it contains, at a minimum, the owner’s name, property address, a site evaluation report, and a management plan. **If no, follow up in six months.**  ***Justification:*** In order to effectively review a design, or coordinate soil verifications/inspections, the Agency has determined that an LGU needs to know the property address, owner’s name, site evaluation report, design report, and management plan at a minimum. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **18.** | **If your ordinance regulates bedroom additions, do you require a certificate of compliance for SSTS on those residences adding a bedroom? (Minn. R. 7082.0500, subp. 1D) (Note – N/A if LGU does not regulate bedroom additions)**  ***Agency evaluation method:*** If applicable, ask for the most recent building permit issued for a bedroom addition, and verify a certificate of compliance is included. **If no, follow up in six months.**  ***Justification:*** The addition of a bedroom has the potential to increase the design flow for a dwelling. Therefore, a newly designed system would help extend the system’s life for that dwelling, but it is not a requirement. However, it is required that such a dwelling has an existing system that meets compliance standards. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **19.** | **Do you issue and enforce operating permits for Type IV, V, and MSTS that include: maintenance requirements including frequency of maintenance, operational requirements, monitoring requirements, compliance limits and compliance boundaries, reporting frequency, a requirement that the permittee notify you when the operating permit is not met, disclosure of the location and condition of alternate treatment area, and a condition of acceptable and prohibited discharges? (Minn. R. 7082.0600, subp. 2A)**  ***Agency evaluation method:*** Ask about what kinds of systems operating permits are issued for. Review a recent copy of an operating permit and verify it contains all items as required. **If no, follow up in six months.**  ***Justification:*** The use of operating permits are necessary where sustained performance of on-site systems is critical to protect public health and water quality. On a large scale, operating permits are crucial in maintaining performance for the following: more complex systems, large capacity systems, systems treating high strength wastewaters, and systems in sensitive environments, including lakes and vulnerable aquifers used for drinking water supplies (i.e., source water protection areas). For this reason, we require, at a minimum, that operating permits are issued for Type IV, V, and MSTS. While it is not required, the MPCA recommends the use of operating permits for Type II Holding Tanks to verify they are being pumped by an SSTS maintainer on a routine basis. Operating permits must have the necessary elements to ensure SSTS professionals are able to adequately maintain these systems. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **20.** | **Do you require installers receive an approved construction permit *before* construction is started?  (Minn. R. 7082.0500, subp. 3B)**  ***Agency evaluation method:*** Prior to assessment, review a recent permit application and issued construction permit. Verify the date the system was approved is before the date the construction permit was issued. **If no, follow up in three months.**  ***Justification:*** It is important for the plans and design of a system is reviewed and approved by a regulatory authority before construction begins to ensure quality work out in the field. The issuance of a construction permit is what grants the authorization to begin construction. If the design has not been reviewed, then there is a chance that potential changes would not get addressed. This causes hardship for an installation business, and could damage the site as mentioned above. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **21.** | **Do you employ at least one certified SSTS inspector or contract with a licensed SSTS inspection business? (Minn. R. 7082.0040, subp. 4A(1))**  ***Agency evaluation method:*** Ask for a list of inspectors authorized to conduct work on behalf of the LGU and include certification numbers to verify they are trained. **If no, follow up in three months.**  ***Justification:*** The goal of this item is to develop effective local programs statewide. To be effective, a local program needs a certain fiscal and physical capacity to be able to administer their program. This includes a certified SSTS inspector conducting inspections on behalf of the LGU.  *What is the name of inspector or licensed inspection business?* | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **22.** | **If you authorize a licensed inspection business to work on behalf of your program, do you ensure they do not inspect systems that were constructed or designed by that same business?  (Minn. R. 7082.0500, subp. 3D) (Note – N/A if LGU does not contract out inspection services for new/replacement systems)**  ***Agency evaluation method:*** If they do contract out inspection services, ask what procedures they have in place to prevent potential conflicts of interest. **If no, follow up in 12 months.**  ***Justification:*** There is a conflict of interest or an opportunity for businesses have an unfair advantage when they are the regulatory oversight for the systems they design or install. Having an independent inspection ensures that there will not be partial oversight or favoritism as a part of the inspection process*.* | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **23.** | **Do you conduct design review, and is the individual who does this qualified to do so? (Minn. R. 7082.0500, subp. 3A)**  ***Agency evaluation method:*** Review a recent permit application and verify the application is awarded by a QE or licensed business authorized to conduct work on behalf of the LGU. **If no, follow up in six months.**  ***Justification:*** Not only is it important for a trained and proficient SSTS professional to design and install SSTS, but that work must be reviewed and approved by a trained and proficient individual from the LGU as well. This ensures that both the professionals and regulators can effectively communicate issues and verify systems are meeting minimum technical standards. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **24.** | **Have you developed an approval process to address requested changes to approved designs? (Minn. R. 7082.0500, subp. 2)**  ***Agency evaluation method:*** Identify the local process for when changes are proposed to an approved design. **If no, follow up in 12 months.**  ***Justification:*** Only certified designers are authorized to design an SSTS. Therefore, in order to make a change to an approved design, either the original designer or a new designer can make changes. Whenever a change to an already approved design is made, the LGU must reapprove the design. The certified designer who finalizes the design is liable for the entire design of that system. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **25.** | **Do you ensure permit submittals include a certified statement from a certified designer who conducted or oversaw the work completed? (Minn. R. 7082.0500, subp. 2)**  ***Agency evaluation method:*** View a recent permit application. Verify that it contains a certified statement complete with a signature and certification number. **If no, follow up in six months.**  ***Justification:*** In order to verify that work was being monitored or performed by a trained and proficient SSTS professional, a certified statement indicating so is necessary. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **26.** | **Do you require, at a minimum, submitted management plans include: maintenance requirements and frequency, operational requirements, monitoring requirements, requirements that the owner notify you when the management plan is not met, and disclosure of the location and condition of the backup treatment area for all new or replacement SSTS before issuance of a construction permit? (Minn. R. 7082.0600, subp. 1)**  ***Agency evaluation method:*** Review a recently issued management plan. Verify it contain all items as required by this subpart. **If no, follow up in six months.**  ***Justification:*** Subitems (1) through (4) are very basic – the homeowner must know what needs to be done to take care of their new SSTS. Subitem (5) requires an evaluation of the condition of the replacement soil treatment system. This is necessary because the current land use will impact the future performance of the system. For example, if the future site may be used as a site for an auxiliary garage, identification of the second site will help to stop this damage before it occurs. Item C clarifies that management plans may be amended, and that amended plans need to be approved by the local permitting authority. It is necessary for the MPCA to specify the required elements of a management plan and set forth a basic framework for its administration at the local level. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **27.** | **Have you adopted and implemented a construction inspection program for new construction and replacement SSTS specifying the frequency and times of inspections, requirements of an inspection, inspection protocol, and what happens when an inspection cannot be completed in a timely manner? (Minn. R. 7082.0700, subp. 1)**  ***Agency evaluation method:*** Ask about how inspections are coordinated for new and replacement systems. **If no, follow up in six months.**  ***Justification:*** Having a clear, consistent inspection protocol allows for more effective compliance inspections for new and replacement systems. It is crucial that new and replacement systems are going in the ground in compliance with the minimum prescriptive standards set forth in Minn. R. 7080-7081. Conducting thorough inspections allows for better systems being installed and less pressure for professionals liable for those systems. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **28.** | **Does your permitting process include an infield verification of the periodically saturated soil layer or bedrock at the proposed sites by a qualified employee (QE) or authorized licensed inspection business? (Minn. R. 7082.0500, subp. 3A)**  ***Agency evaluation method:*** Prior to assessment, review the LGU soil observation verification from a recent permit and the approved design it was conducted for. Verify the following: soil observation is complete, the design reflects a compliant system based on the observation, and the observation was conducted by a QE or authorized licensed inspection business. **If no, follow up in three months.**  ***Justification:*** This requires local governments to send staff or their contracted employee out to the site of a proposed SSTS and examine the soils to ensure that the system design is correct. The benefit of this requirement is significant. If the first time the inspector arrives at the site is to do a construction inspection, there is a chance that the soils errors will have resulted in installation of a system that does not meet code. The site where the “in error” system was installed will have been disturbed and so is no longer usable for an SSTS. This may have been the only site available for the ISTS, and thus, a serious problem for the homeowner. The greater involvement of local officials early in the permitting process will result in better SSTS being installed, fewer lots “spoiled” through error, and reducing liability issues if the system fails inspection in the future. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **29.** | **Do you issue certificates of compliance for new or replacement systems found in compliance and issue notices of noncompliance for new and replacement systems found not in compliance with Minn. R. 7080.1500? (Minn. R. 7082.0700, subp. 3A)**  ***Agency evaluation method:*** Review a recent inspection. Was a determination of compliance made and the appropriate certificate or notice attached? **If no, follow up in six months.**  ***Justification:*** It is important to standardize the designations and outcomes that are the result of a new or replacement compliance inspection. Ultimately, this determination needs to be made, and if the system is non-compliant, there needs to be a reason designated so it can be addressed. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **30.** | **Does the certificate of compliance document you use for new and replacement SSTS contain: a vertical separation distance report, the management plan, property and property owner identification, date of inspection, system components, system location drawn to scale, well setback distance, field check of soil conditions, SWF areas, designations as applicable, and Class V designation as applicable? (Minn. R. 7082.0700, subp. 3C)**  ***Agency evaluation method:*** View a copy of the local COC for a recent inspection. Verify it contains the required items and has all required attachments. **If no, follow up in six months.**  ***Justification:*** While the MPCA provides an example inspection form with all required elements included for new and replacement systems, it is not a mandatory form. If a local governmental unit has their own form, it needs to have all necessary items to ensure full compliance to state code. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **31.** | **Do you require that a certificate of compliance or notice of noncompliance includes a certified statement from a certified individual or qualified employee that indicates whether the new or replacement SSTS is in compliance with your ordinance requirements? (Minn. R. 7082.0700, subp. 3E)**  ***Agency evaluation method:*** View a recently submitted COC or NON to the local government for new and replacement systems. Verify it contains a certified statement from a certified individual. **If no, follow up in six months.**  ***Justification:*** Requiring a certified signature does two things: it ensures that the work performed was by an individual who has been appropriately trained, and it ensures that they are held accountable for the determinations they make. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **32.** | **If a new or replacement system is found not to be in compliance, do you require the notice of noncompliance contains a statement specifying the reason for noncompliance? (Minn. R. 7082.0700, subp. 3F)**  ***Agency evaluation method:*** If available, view a copy of the last issued NON. Verify that it contains a statement specifying the reason for noncompliance. **If no, follow up in six months.**  ***Justification:*** A reason must be given a reason of noncompliance to be able to establish an appropriate timeframe for which the system must be upgraded. It also enables the problem to be addressed as necessary. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **33.** | **If existing system inspections are conducted by the LGU, do you use the MPCA’s inspection form? (Minn. R. 7082.0700, subp. 4B) (Note - N/A if the LGU does not conduct existing system compliance inspections)**  ***Agency evaluation method:*** Review a recent existing system compliance inspection. Verify it was done on the Agency’s existing system compliance inspection form. **If no, follow up in six months.**  ***Justification:*** This question may be not applicable if the local government does not conduct existing system inspections. If they do conduct existing system inspections, it must be done on the Agency’s form in order to ensure the inspection covers the minimum requirements on a standardized form. This reinforces a consistent inspection program for existing systems statewide. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **34.** | **Do you require that a certificate of compliance or notice of noncompliance is submitted to you and the owner/owner’s agent no later than 15 days after any compliance inspection?  (Minn. R. 7082.0700, subp. 3D)**  ***Agency evaluation method:*** Prior to assessment, review local ordinance and verify that at least a 15 day requirement for submission of COCs and NONs exists. During the assessment, verify if LGU is tracking date of receipt on inspection forms. **If no, follow up in 12 months.**  ***Justification:*** A local unit of government shall include this requirement in local ordinance to ensure a timeline for upgrade begins close to when a warranting condition exists. An SSTS Inspector must submit this form to both the homeowner and LGU fifteen days from when a determination of compliance status is made as evidenced by the date of determination. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
| **35.** | **Do your records/permit files contain: Certificate of Compliance (COCs), Notice of Noncompliane (NONs), permit applications, issued permits, enforcement proceedings, site evaluation reports, design reports, as-built drawings, management plans, and an annual list of all sewage system tanks installed? (Minn. R. 7082.0300, subp. 4)**  ***Agency evaluation method:*** Observe location and condition of permit file and visually inspect if required items are being maintained. **If no, follow up in six months.**  ***Justification:*** Maintaining a complete record file is crucial to ensuring important information is kept available for all SSTS installed within a local jurisdiction. It would be unreasonable to rely on homeowners alone for maintaining this information. Having this information on file is necessary for future property transfers, soil verification for compliance inspections, liability issues, troubleshooting, annual reporting, and more. Therefore, it is reasonable to require this information is kept at the local level. | | |  |  |  |
|  | *If no, please include plan of action:* | | |  |  |  |
|  | Follow-up meeting date (if necessary): |  |  |  |  |  |
|  | *This is to be filled out upon completing the in-person assessment with MPCA staff.* | | |  |  |  |
|  | ***Additional comments –*** *If you are referring to a specfic question please indicate the question number within each comment.* | | |  |  |  |