
Cook County Septic Ordinance Number 58

As Amended Through
March 22, 2022

Cook County Environmental
Health Department

Cook County Septic Ordinance

This is an Ordinance authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:

- 1) Minimum standards for the regulation of individual sewage treatment systems (ISTS) and mid-sized Subsurface Sewage Treatment Systems (MSTS), collectively referred to as SSTS in unsewered incorporated and unincorporated areas of Cook County incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency (MPCA);
- 2) Requirements for issuing permits for installation, alteration, repair or expansion of SSTS;
- 3) Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081, to be operated under an approved management plan;
- 4) Standards for upgrade, repair, replacement, or abandonment of SSTS;
- 5) Penalties for failure to comply with these provisions;
- 6) Provisions for enforcement of these requirements; and,
- 7) Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.62, the County Comprehensive Plan, Water Plan and the County Zoning and Shoreland Ordinances.

The County Board of Cook County, Minnesota, does ordain:

Article 1 Purpose, Intent and Authority

Sec. 1.01 Purpose

The purpose of this Ordinance is to establish minimum requirements for the regulation of ISTS and MSTs for the treatment and dispersal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County’s citizens by protecting public health, safety, general welfare, and natural resources. Septage disposal standards shall conform to Federal Environmental Protection Agency and Minnesota Pollution Control Agency standards.

Sec. 1.02 Intent

It is intended by the County that this Ordinance will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in Cook County essential to the protection of public health, safety, welfare, socioeconomic growth and development of the County;
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby preventing the degradation of surface water and groundwater quality;
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration potential;
- D. The appropriate utilization including placement, construction and maintenance of privy vaults and other non-water carried sewage collection and storage facilities; and,
- E. Provide for technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake water quality degradation, groundwater contamination, and public nuisance conditions.

Sec. 1.03 Authority

The Cook County Subsurface Treatment System Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and except as expressly stated herein, 2011 Minnesota Rules, Chapters 7080, 7081, 7082 and 7083, or successor rules.

Article 2 Definitions

The following words and phrases shall have the meanings ascribed to them in this Article. If not specifically defined in this Article, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

- Sec. 2.01 Alternative Local Standards (ALS):** ALS are individual sewage treatment system standards less restrictive than the State’s technical standards and criteria. ALS contain the adopted standards from the 2006 MN Rules for systems using less than 2,500 gallons of water per day. ALS shall adequately protect the environment and public health.
- Sec. 2.02 Alternative Local Standards Vertical Separation:** Standards that allow less than three feet vertical separation for graywater systems outside of shoreland areas but in no case less than two feet separation.
- Sec. 2.03 Authorized Representative:** An employee or agent of the County Environmental Health Department.
- Sec. 2.04 Board of Adjustment:** A board established by County Ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public, and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any Ordinance adopted pursuant to the provision of Minnesota Statutes (sections 394.21 to 394.37), order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.
- Sec. 2.05 Certificate of Compliance: Means a document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.**
- Sec. 2.06 Class V Injection Well:** A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see CFR Title 40, Parts 144 & 146).
- Sec. 2.07 Cluster System:** A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.
- Sec. 2.08 Composting Systems:** Composting toilets serve to prevent exposure to human excrement and to store it in aesthetically acceptable conditions until it can be safely removed for disposal or reuse. Two primary factors affecting the survival of human pathogens in composting toilets are temperature and time. Liquid or solid compost material must have a sufficient long residency time to be considered suitably stabilized. To ensure vector attraction reduction, the residuals must be buried or covered so that nothing remains exposed to the surface.

Acceptable means of composting toilets are:

- A. Manufactured composting toilets = no overflow drain.

For composting toilets installed entirely within a dwelling, there are no specific set-back requirements.

For composting toilets that discharge liquids to a subsurface soil absorption system, vertical separation must be met.

- B. Public Domain Technology Composting Toilet

A public domain composting toilet system is a composting toilet system or design which is not subject to a patent, or trademark, and is therefore available to be used by any member of the public without cost obligation to a patent, or trademark holder. The Cook County Environmental Health Department may permit such systems when designed, constructed, operated and maintained according to appropriate specifications. A list of approved public domain composting toilets is available in the Environmental Health Department upon request.

Sec. 2.09 Component Inspection: Newly installed sewage tank and/or sewage treatment system inspection as listed below.

- A. Sewage Tank Inspection- Verification of tank setbacks, proper bedding material, insulation and tank water-tightness prior to covering.
- B. Sewage Treatment System Inspection- Verification of system setbacks, adequate vertical separation, material used, distribution media and dispersal pipes installed prior to covering.

Sec. 2.10 County: Cook County, Minnesota.

Sec. 2.11 County Board: The Cook County Board of Commissioners.

Sec. 2.12 Department: The Cook County Environmental Health Department.

Sec. 2.13 Design Flow: The estimated design flow is considered a peak flow rate, including a safety factor. For long term performance, the average daily flow is recommended to be < 60% of the peak flow rate.

Sec. 2.14 Dwelling Classification: The Dwelling Classification is a categorization of dwellings for the purposes of calculating a design flow based upon a combination of the size of the dwelling and water use, and is expressed through the following categories:

Class I Class I dwellings are those with more than 800 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, or where more than two of the following water-use appliances are installed or anticipated: clothes washing machine, dishwasher, water conditioning unit, bathtub greater than 40 gallons, garbage disposal, or self-cleaning humidifier in furnace.

Class II Class II dwellings are those with 500 to 800 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, and where no more than two of the water-use appliances listed in Classification I are installed or anticipated.

Class III Class III dwellings are those with less than 500 square feet per bedroom, when the dwelling's total finished floor area is divided by the number of bedrooms, and where no more than two of the water-use appliances listed in Classification I are installed or anticipated.

Class IV Class IV dwellings are dwellings designed under part 7080.2240.

- Sec. 2.15 Failure to Protect Groundwater:** At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500, Subp. 4. D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 3.11 hereof.
- Sec. 2.16 Graywater:** Sewage that does not contain toilet waste.
- Sec. 2.17 Imminent Threat to Public Health and Safety:** At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards, or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Section 3.11 hereof.
- Sec. 2.18 ISTS:** An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.
- Sec. 2.19 Malfunction:** The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.
- Sec. 2.20 Management Plan:** A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.
- Sec. 2.21 Minor Repair:** The repair or replacement of an existing damaged or faulty component/part of an SSTS, excluding the replacement of sewage tanks and soil dispersal systems that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.
- Sec. 2.22 MPCA:** Minnesota Pollution Control Agency.
- Sec. 2.23 MSTs:** A “midsized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.
- Sec. 2.24 Notice of Noncompliance:** A written document issued by the Department notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

- Sec. 2.25 Operation and Maintenance Agreements:** An operating agreement which includes maintenance requirements, including frequency of maintenance, operational requirements, monitoring requirements, compliance limits and compliance boundaries, reporting frequency, disclosure and location of additional soil treatment and dispersal system, stipulation of acceptable and prohibited discharges and a requirement that the permittee notify the local unit of government when permit requirements are not met. Corrective action must be taken as directed by the Department.
- Sec. 2.26 Primitive Dwelling:** Any building, which may include but not be limited to, hunting cabins, shacks, renovated vehicles, huts, shelters, yurts, dependent RV's or other enclosed structures with provisions for living, sleeping and sanitary facilities that do not include devices such as wells or pumps involved with the appropriation and delivery of surface or ground water to the dwelling, or any other means of providing any pressurized water flow within the dwelling.
- Sec. 2.27 Qualified Employee:** An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.
- Sec. 2.28 Record Drawing:** A drawing which to the fullest extent possible documents the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.
- Sec. 2.29 Recreational Vehicle (RV):** As defined in the Cook County Zoning Ordinance. See Sec. 5.12 for general requirements. A recreational vehicle requiring an RV permit also requires a septic permit.
- Sec. 2.30 Recreational Vehicle, Dependent:** A Recreational Vehicle not containing sanitary facilities and/or devices for connecting the facilities to a water supply system, community waste disposal system or onsite sewage treatment system. Hand-carried water must be carried into and back out of the RV.
- Sec. 2.31 Recreational Vehicle, Independent:** A Recreational Vehicle containing sanitary facilities and devices for connecting the facility to a water supply system, community waste disposal system or onsite sewage treatment system.
- Sec. 2.32 Redoximorphic Features:** Means
- A. A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color: or
 - B. A soil matrix color controlled by the presence of ferrous iron.
- Sec. 2.33 Seasonal Dwelling or Seasonal Porta-Potty:** Means a dwelling or porta-potty that is occupied or used for less than 180 days per year and less than 120 consecutive days.
- Sec. 2.34 Septage:** Solids and liquids removed during maintenance of an SSTS, or solids and liquids which are removed from toilet waste treatment devices or holding tanks.

- Sec. 2.35 Sewage:** Waste from toilets, bathing, laundry, or culinary activities or operations, or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.
- Sec. 2.36 Shoreland:** All lands located within the following distances from the ordinary high water mark of a public water, and all lands within the North Shore Management Planning Area:
- A. 1,000 feet from a lake, pond or flowage; or,
 - B. 300 feet from a river or stream.
- Sec. 2.37 SSTS:** Subsurface sewage treatment system including an ISTS, or MSTs.
- Sec. 2.38 State:** The State of Minnesota.
- Sec. 2.39 Treatment Level:** Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following:
- Level A: $\text{cBOD}_5 \leq 15 \text{ mg/L}$; $\text{TSS} \leq 15 \text{ mg/L}$; fecal coliforms $\leq 1,000/100 \text{ mL}$.
 - Level A₂: $\text{cBOD}_5 \leq 15 \text{ mg/L}$; $\text{TSS} \leq 15 \text{ mg/L}$; fecal coliforms N/A
 - Level B: $\text{cBOD}_5 \leq 25 \text{ mg/L}$; $\text{TSS} \leq 30 \text{ mg/L}$; fecal coliforms $\leq 10,000/100 \text{ mL}$.
 - Level B₂: $\text{cBOD}_5 \leq 25 \text{ mg/L}$; $\text{TSS} \leq 30 \text{ mg/L}$; fecal coliforms N/A
 - Level C: $\text{cBOD}_5 \leq 125 \text{ mg/L}$; $\text{TSS} \leq 60 \text{ mg/L}$; fecal coliforms N/A.
- Sec. 2.40 Type I System:** An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.
- Sec. 2.41 Type II System:** An alternative ISTS or sewage containment system such as a holding tank installed when conditions do not allow for a standard Type I system, or for systems which are typically permitted to treat human waste when installing a graywater system. These include systems on lots with rapidly permeable soils or lots in floodplains, and privies, composting toilets, incinerating toilets, seasonal porta-potties or holding tanks.
- Sec. 2.42 Type III System:** A custom designed ISTS having acceptable flow restriction and/or measurement devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.
- Sec. 2.43 Type IV System:** An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.
- Sec. 2.44 Type V System:** An ISTS, which is a custom engineered design to accommodate the site, taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.
- Sec. 2.45 Wastewater:** Is liquid or solid waste originating solely from humans or human activities. This category includes waste collected from toilets, showers, wash basins, sinks used for cleaning, sinks

used for food preparation, clothes washing operations, and sinks and washing machines where food and beverage- serving dishes, glasses, and utensils are cleaned.

Sec. 2.46 Wastewater treatment system: “Subsurface Sewage Treatment Systems” or “SSTS” is either an individual sewage treatment system or a midsized system consisting of:

1. Type I systems-- trenches, beds, mounds, at grades, and pressurized graywater systems.
2. Type II systems—holding tanks, (privies, seasonal porta-potties, composting or incineration toilets specifically used for graywater systems.)
3. Type III systems—soil based systems, systems installed on fill soil, compacted soil, soils that lack 12” of suitable soil, bedrock, impermeable clay, etc.
4. Type IV systems—systems using registered treatment products which include a reduced vertical soil separation and a reduced soil dispersal size.
5. Type V systems—Experimental systems required to be designed in combination with a licensed professional engineer, professional soil scientist and an advanced designer.

Article 3 General Provisions and Requirements

Sec. 3.01 Scope

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County’s jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

Sec. 3.02 Jurisdiction

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas that administer a (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Ordinance and has been approved by the County. The County Environmental Health Department shall keep a current list of local jurisdictions within the County administering a SSTS program.

Sec. 3.03 Administration

- A. Administration by Cook County - The County Environmental Health Department shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the County shall review and revise and update this Ordinance as necessary. The County shall employ a qualified employee to administer and operate the SSTS program. The administration of this Ordinance through the Cook County Environmental Health Department will include, but not be limited to the following provisions:
1. Review all applications for SSTS;
 2. Issue all permits required by this Ordinance;
 3. Inspect all work covered by this Ordinance;
 4. Investigate complaints regarding SSTS and Septage disposal;
 5. Issue certificates of compliance and non-compliance where appropriate;
 6. Issue cease-and-desist orders and notices of violation pursuant to Section 9 of this Ordinance;
 7. Refer complaints to the County Attorney regarding violations of this Ordinance;
 8. Maintain current records for each permitted SSTS. Records shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of non-compliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, operation and maintenance agreements, maintenance reports, an annual list of all sewage tanks installed in the County sorted, by licensed installation businesses, and other records relevant to each system;

9. Submit an annual report of SSTS permitting activities to MPCA, no later than February 1 for the previous calendar year; and,
10. Oversee activities of any subordinate service district created to manage wastewater or wastewater systems.

B. Administration by the State - Where a single SSTS or group of SSTS under single ownership within one-half mile of each other, have design flows greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System permit from the MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Ordinance.

Sec. 3.04 SSTS Contractor Responsibilities

- A. License and Certification Required - All businesses involved in the design, installation, inspection, maintenance and service work of ISTS or MSTs in Cook County must possess and maintain appropriate levels of license and certification through the MPCA.
- B. Compliance With State Rules - Unless otherwise stated herein, all businesses shall perform all ISTS and MSTs activities in accordance with the standards contained within Minnesota Rules Chapter 7080, 7081, 7082 and 7083.
- C. State Inspection Forms Required - All licensed and certified inspection businesses must use the current inspection forms provided by the MPCA.
- D. Timely Submission of Forms - All contractors must submit the appropriate project related forms to the County in a timely fashion which, if not otherwise stated within this Ordinance shall be in accordance with the time lines contained within Minnesota Rules Chapter 7080, 7081, 7082 and 7083.
- E. Notification to Department - It is the responsibility of SSTS installers to notify the Department prior to 9:00 a.m. the day that the system installation starts, and in accordance with Section 5.03(A) for the component inspection, detailing the location and property owners' name of each of the permitted systems.
- F. Failure to Comply - A failure to comply with provisions A – E of this Section may be subject to enforcement action as identified in Article 9 of this Ordinance.

Sec. 3.05 Validity

The validity of any part of this Ordinance shall not be affected by the non-validity of any other parts of this Ordinance where the part can be given effect irrespective of any invalid part or parts.

Sec. 3.06 Liability

Any liability or responsibility shall not be imposed upon the Environmental Health Department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any

onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

Sec. 3.07 Retroactivity

- A. All SSTS - Except as explicitly set forth in paragraph “B” below, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.
- B. Existing Permits - Unexpired permits which were issued prior to the effective date of this Ordinance shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership, whichever is earlier. Abandonment will be the responsibility of the system owner.
- C. SSTS on Lots Created After January 23, 1996 - All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080. 2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7. Variances from this specific provision may be processed administratively in accordance with Section 4.07(D). If applicable, two soil observations must be located on the contour and at each border of the drainfield media. The drainfield media corners must be identified with highly visible metal stakes representing the design flow. Subdivision soil observation logs must identify each septic site detailing the type of system, depth of suitable soil, and the design flow (gallon per day) based on the number of bedrooms. Legal non-conforming lots shall adhere to the provisions in Section 9.03(A)(2) of the Cook County Ordinance.
- D. Existing SSTS Without Permits - Existing SSTS with no permits of record shall require a permit and be brought into compliance with the requirements of this Ordinance, or be properly abandoned, when subject to the provisions of Section 7.01 of this Ordinance, regardless of the date they were originally constructed.

Sec. 3.08 Upgrade, Repair, Replacement and Abandonment

- A. SSTS Capacity Expansions - Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.
- B. Bedroom Additions - The owner is allowed 2 years from the date of issuance of a bedroom addition permit to upgrade, repair, replace or abandon an existing system if the following conditions apply:
 - 1. The Land Services Office issues a permit to add a bedroom;
 - 2. A SSTS inspection is triggered by a bedroom addition permit request;
 - 3. The existing system was installed between May 27, 1989 and January 3, 1996;
 - 4. The SSTS does not comply with Minnesota Rules, Chapter 7080.1500, Subp. 4(B); and,
 - 5. The SSTS is not determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4(A).

- C. Failure to Protect Groundwater - An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp 4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within two years of receipt of a Notice of Noncompliance.
- D. Imminent Threat to Public Health or Safety - An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp 4(A) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance. Additionally, the property owner is required to abate the imminent threat to public health or safety within 10 days (or sooner) of receiving notification from the Department in accordance with Minnesota Statute 145A.

The County may, at its discretion, extend the 10-month correction deadline due to adverse climactic conditions.

- E. Abandonment - Any SSTS, or any component thereof, which is no longer intended to be used, or existing systems found to be noncompliant must be properly abandoned prior to the final abatement date. Proper abandonment must be verified by the Department or a completed abandonment form must be submitted by the SSTS contractor or property owner to the Department prior to the final abatement date.

Sec. 3.09 SSTS in Floodplains

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

Sec. 3.10 Class V Injection Wells

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, Title 40, Part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR Title 40 Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

Sec. 3.11 SSTS Practitioner License

No person shall engage in site evaluation, inspection, design, installation, construction, alternation, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA, in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700 A,C,D,E,F,G,H,I and for property owners who choose to install their own privy, only after receiving an approved design from a certified designer, or for property owners who are authorized by the Department to install their own system for hand-carried water.

Sec. 3.12 Prohibitions

- A. Occupancy or Use of Building Without a Compliant SSTS - It is unlawful for any person to maintain, occupy, or use any building intended for habitation that is not provided with a wastewater treatment system. Disposal of wastewater shall be conducted in a manner that complies with the provisions of this Ordinance.
- B. Sewage Discharge to Ground Surface or Surface Water - It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System (NPDES) program by the MPCA.
- C. Sewage Discharge to a Well or Boring - It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Ordinance.
- D. Discharge of Hazardous or Deleterious Materials - It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

Article 4 SSTS Standards**Sec. 4.01 Standards Adopted by Reference**

Except as otherwise stated herein, Cook County hereby adopts by reference 2011 Minnesota Rules, Chapters 7080, 7081, 7082 and 7083 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55, or other County Ordinances such as Shoreland, Stormwater and Wetlands provisions.

2006 MN Rules 7080:

The County hereby adopts by reference the 2006 MN Rules, Chapter 7080 as the alternative local standards (ALS) for new and replacement residential systems with a flow of less than 2,500 gallons per day. The County hereby adopts by reference the 2011 MN Rules, Chapter 7080 and 7081 for new and replacement systems using equal to or greater than 2,500 gallons per day. This adoption does not supersede the County's ability to adopt local standards that are in compliance with MN Statute 115.55.

Locations where Alternative Local Standards (ALS) do not apply:

The "ALS" vertical separation standards do not apply to systems in shoreland, wellhead protection areas or to systems providing sewage treatment for food, beverage, or lodging establishments.

Systems with 15% Flexibility: ALS Vertical Separation is not allowed to be used in conjunction with the 15% reduction in vertical separation, as defined in 2011 MN Rule 7080.1500 Subp 4(D).

Reference MN Rules Chapters 4715, and 4725 and Table 1 for Minimum setback distances for sewage treatment systems.

Table 1. Minimum Setback Distances (feet) for Sewage Treatment Systems and Tanks		
Features	Sewage Tank, Holding Tank or Sealed Privy	Absorption Area or Unsealed Privy
Water Supply Wells	50'	50'
Water Supply Wells with less than 50' of casing.	50'	100'
Buried Water Lines Under Pressure	10'	10'
Building	10'	20'
Property Lines	10'	10'
OHWL of Public Waters	50'	75', 100', 150' or 200'

Sec. 4.02 Amendments to the Adopted Standards

A. List of Adopted Standards - A listing of all the adopted standards that are different from 2011 version of the Minnesota Rules Chapter 7080 and 7081.

1. Filters shall be installed in all newly placed or repaired septic tanks, or in the last tank of a series of tanks.
2. Existing dwellings that meet the design flow for Class II and Class III dwellings are allowed to use the 2006 rules for tank sizing.
3. When designing graywater systems, the tank liquid capacity shall be at least as large as the capacities given below.

Number of bedrooms	Tank liquid Capacity (gallons)
2 or less	300
3 or 4	500
5 or 6	750
7, 8, or 9	1,000

4. When pumping sewage to the septic tank, the dosing volume to the tank shall not exceed one percent of the liquid volume capacity of the first compartment or tank, and shall dose into a minimum ten-foot section of schedule 40 pipe prior to entering the tank.
5. Type I systems over 2,500 gpd, Type III, IV, and MSTs with pumps installed are required to include flow measurement. Flow measurement means any method to accurately measure water or sewage flow, including, but not limited to, water meters, event counters, running time clocks, or electronically controlled dosing. The purpose of flow measurement is established for the ease of troubleshooting larger and more complex systems.

B. Alternative Local Standards “ALS” Vertical Separation, reference Sec. 2.02.

C. Location where Alternative Local Standards do not apply, reference Sec. 4.01.

D. Systems with 15% Flexibility, reference Sec. 4.01.

E. Determination of Hydraulic Loading Rate and SSTS Sizing - This Ordinance requires all SSTS to be designed according to Table IX in Minnesota Rules Chapter 7080.2150, Subp. 3(E) as the allowed method for determining the hydraulic loading rate for sizing the infiltration area. Table IXa, is to be supplemental only.

F. Compliance Criteria for Existing SSTS - SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6

inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement must be measured outside the area of system influence but in an area of similar soil. 7080.1500, Subp. 4.

Sec 4.03 Holding Tanks

- A. Compliance with Minnesota Rules - Tanks must comply with 7080.2290, items A through F.
- B. Restrictive Provisions: Holding tanks may be allowed for the following applications: as replacements for existing failing SSTS and SSTS that pose an imminent threat to public health or safety, In addition:
 - 1. The holding tank shall be installed in accordance with Minnesota Rules Section 7080.2290, and shall be subject to the inspection provisions in Sec. 5.03(B)(6);
 - 2. The installer shall install lockout straps, as directed by the Environmental Health Department;
 - 3. A watertightness test, as described in MN Rule 7080.2010 Subp. 3 may be required at the discretion of the county Environmental Health Department if there is clear evidence of sufficient damage that would indicate a possible breach of the structural integrity of the tank. If a watertightness test is required, then a completed watertightness testing form must be filled out by the installer and turned into the Department prior to the final inspection;
 - 4. The owner shall maintain a valid contract with a licensed Maintainer to pump and haul the holding tank wastewater to a licensed treatment facility;
 - 5. The Maintainer shall be notified within 24 hours of a high-level alarm signal; and,
 - 6. The Maintainer shall certify each date the tank is pumped, the volume of the liquid waste removed, the treatment facility to which the waste was discharged, and report to the Department.
- C. At the discretion of the Cook County Environmental Health Department, holding tanks may be authorized on a case-by-case basis for the management of sewage waste.

Sec. 4.04 Primitive Dwellings and Recreational Vehicles

- A. Primitive Dwellings and Hand-Carried Water
 - 1. Hand-carried water means hand-carried water that is carried by hand into any building, which may include, but not be limited to, hunting cabins, shacks, renovated vehicles, huts, shelters, yurts, dependent RV's or other enclosed structures with the provision for living, sleeping and sanitary facilities that do not include devices such as wells or pumps involved with the appropriation and delivery of surface or ground water to the dwelling, or any other means of providing any pressurized water flow within the dwelling.
 - 2. Graywater that originated from hand-carried water must not discharge directly to surface waters, drainage ways, or poorly drained soils; in a manner or volume harmful to the environment or creates a public health nuisance; or in a manner that creates a public nuisance as determined by the Cook County Environmental Health Department. Graywater that originated from hand-carried water which

drains through one sewage pipe must meet a minimum design criteria of two feet vertical separation and must have a system design approved by the Department before initiating installation. Inspection requirements are equally the same for a certified installer and a property owner who may be authorized by the Department to do installation work.

3. Approved means of sewage treatment for primitive dwellings include privies, seasonal porta-potties, incineration toilets, seasonal and year-round composting toilets.

B. SSTS Standards for Recreational Vehicles

1. Any dependent RV subject to the requirements of a “Temporary RV Permit” or “Interim Use Permit” must have an approved sanitary facility which may include: privy, seasonal porta-potty,-composting toilet or incinerating toilet.
2. Independent RV’s that are subject to the requirements of a “Temporary RV Permit” may need to be connected to an approved 1,000 gallon or larger holding tank, or onsite sewage treatment system. Septic permit requirements will be determined on a site by site basis.
3. Independent RV’s that are subject to the requirements of an “Interim Use Permit” shall be connected to an approved 1,000 gallon or larger holding tank, or onsite sewage treatment system.

C. Pressurized Graywater Systems

1. Are those systems using 60% of the design values in sizing for Class I, II, or III dwellings which include water-using devices such as sinks, showers, clothes washing machines, dishwashers, bathtubs, etc. Toilet waste must not be discharged to a graywater system.
2. Approved means of sewage treatment include a septic tank reduction, and a 40% reduction in sizing for a soil treatment system such as a mound, trench, at grade, or seepage bed.

Sec. 4.05 Privies and Toilet Waste Treatment Devices

- A. Privies – Privies shall be installed in accordance with Minnesota Rules Chapter 7080.2280, and shall meet the structure setbacks from the OHWL in accordance with the Cook County Zoning Ordinance (Sec. 7.05).
- B. Acceptable Toilet Devices – Toilet waste treatment devices authorized for use within Cook County include: manufactured composting toilets, Department approved public domain technology composting toilets, incineration toilets, privies and holding toilets such as seasonal porta-potties provided there is an active service agreement. Maintenance of a seasonal porta-potty shall be on a call-in basis, but in no case shall the lack of maintenance exceed a six month period.

Sec. 4.06 Property Owner’s Self Installation

- A. Property Owner License Requirements - Only property owners who are appropriately licensed by the State of Minnesota for SSTS installation may install a septic system on their own property, except that a property owner who is not licensed may install their own privy, or a system approved by the Department for hand-carried water, provided they have obtained the appropriate permit and an approved design for the privy from a state-licensed Designer.

- B. Notification of Completion - A property owner who is self-installing a privy or a hand-carried water system on their property must notify the Department to schedule an inspection before covering any part of the system.

Sec. 4.07 Variances

- A. Variance Requests - A property owner may request a variance from the standards, as specified in this Ordinance, or from any order, requirement, decision or determination made by the Environmental Health Department pursuant to county policies and procedures.
- B. Affected Agency - Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency, pursuant to the requirements of the State Agency.
- C. County Level Variances – Any variance from the standards as specified in this Ordinance, or from any order, requirement, decision, or determination made by the Environmental Health Department pursuant to County policies and procedures shall be processed in accordance with the provisions set forth in Article 14 of the Cook County Zoning Ordinance.
- D. Administrative Variances – The Cook County Environmental Health Department may administratively process variance requests from the provision within Section 3.07(C) and Article 4 Sec. 4.01 Table 1 of this Ordinance through the following procedures:
 - 1. Administrative Variance Appeals shall be filed to the Environmental Health Department on the forms provided by the department.
 - 2. For alternative septic site requests, appeal forms shall be complete and shall be accompanied with a map of the property identifying all soil boring locations, which are also physically marked on the property, and a description of the types of systems proposed as alternatives to type I systems.
 - 3. For minimum setback requests, appeal forms shall also be complete and shall be accompanied with a record drawing of no less than the requested minimum setback distance. Well setback variances are administered only through the Minnesota Department of Health.
 - 4. After the Environmental Health Officer has reviewed all of the information and conducted a site visit, a decision shall be made by the Environmental Health Director within the timelines established by Minnesota Statute 15.99, and notification of that decision shall be sent to the property owner and respective septic contractor, and shall include written reasons in sufficient detail to demonstrate that the decision was made based on the criteria within this Ordinance.
 - 5. The Environmental Health Director may impose conditions in the granting of the variance to insure compliance and to protect adjacent properties and the public interest.
 - 6. Decisions shall be final except that an aggrieved party may appeal the decision of the Environmental Health Director to the Cook County Board of Adjustment in accordance with Article 14 of the Cook County Zoning Ordinance.

Article 5 SSTS Permitting

Sec. 5.01 Permits Required

It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without the appropriate permit from the Environmental Health Department, Cook County. The issuing of any permit, variance, or conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

Sec. 5.02 Septic Permits

A septic permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioner(s).

- A. Activities Requiring a Septic Permit - A septic permit is required for installation of a new SSTS, for replacements of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
- B. Activities Not Requiring a Permit - A septic permit is not required for minor repairs or replacement of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

Five permits allowed open at any given time, meaning an additional permit can be issued once any one of the five permits have been completed and issued a certificate of compliance.

- C. Permit Application Requirements - Septic permit applications shall be made on forms provided by the Department and signed by the applicant and an appropriately certified practitioner including the licensed business number. Applications shall include the documents listed in items 1 through 6 below.
 - 1. Name and mailing address;
 - 2. Property Identification Number and address or other description of property location;
 - 3. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730;
 - 4. Design Report as described in Minnesota Rules, Chapter 7080.2430;
 - 5. Management Plan as described in Minnesota Rules, Chapter 7082.0600; and,
 - 6. Property owners certify when signing a septic permit that all existing noncompliant systems associated with the lot will be properly abandoned, or demonstrate that all systems on the lot associated with the dwelling to which the permit is issued are compliant prior to the final abatement date.

D. Soil Verification –Soils and setbacks must be verified by both a state licensed designer and the County Environmental Health Department prior to the issuance of septic permits, and in conjunction with the issuance of a new land use permit for systems that require soil evaluations. Verification will be accomplished by placing highly visible stakes around the appropriately sized absorption area with soil observations located at each border of the drainfield media. The two parties shall meet together onsite or test pits shall be left open for later observation. At the discretion of the County, additional soil observations may be required depending on site specific soil conditions. If the two parties are present on the site, the Environmental Health Officer or Department delegated representative can sign the completed soil observation logs “verification forms” upon the request of the designer. The documentation of soil verification shall be submitted to the Environmental Health Department no later than two weeks from the time of the site visit with the Environmental Health Officer. For all County permit approval, failure to provide soil observation logs to the Environmental Health Officer within 2 weeks from the time of site visit will void the soil verification, which is necessary for a land use permit, septic permit, etc.

No permit will be issued to landowners or on property on which there are unresolved violations or any other ordinance unless that permit is part of a department approved plan to resolve the violations(s).

E. Application Review and Response - The Department shall review a septic permit application and supporting documents, and any other information requested by the Department pertinent to this process, and make at least one site visit for soil verification and system placement. Upon verification that the proposed work will conform to the provisions of this Ordinance, the Department shall issue a written permit authorizing construction of the SSTS. If the permit application is incomplete, inaccurate or does not meet the requirements of this Ordinance the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

F. Appeals and Soil Verification Disputes - The applicant may appeal the Department’s decision to deny the septic permit in accordance with the County’s established policies and appeal procedures.

If there is a soil verification dispute as identified within Minnesota Rules Chapter 7082.0700, Subp. 5 between SSTS businesses, they may seek the opinion of the Cook County Environmental Health Department. If there is a dispute between an SSTS Business and the Cook County Environmental Health Department, then it shall be resolved in accordance with Minnesota Rules Chapter 7082.0700, Subp. 5(B).

G. Permit Expiration - The septic permit is valid for a period of one year from its date of issue. The Department shall administratively grant an extension of up to one additional year upon written request, provided the construction of the system remains in conformance with the original permit.

H. Transferability - A septic permit shall not be transferred to a new owner, unless a review with the new property owner and contractor confirms that the permit will not be altered in any way. The new owner must apply for a new septic permit in accordance with this section if there are to be any changes to the permitted septic system.

- I. Suspension or Revocation - The Department may suspend or revoke a septic permit issued under this section for any false statements, misrepresentations of facts on which the septic permit was issued, failure to comply with past or present conditions of septic permits issued by the Department or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. Any permit suspension or revocation must be processed through the following steps:
 - 1. The contractor has been issued a written notice of violation in accordance with Section 9.01(B) of this Ordinance;
 - 2. The contractor has unsuccessfully exhausted all means of appeals afforded to challenging the notice of violation;
 - 3. The contractor has not corrected or abated the violation(s) identified in the notice of violation within 15 days of the end of the appeals process; and
 - 4. The Director of Environmental Health has reviewed all pertinent information, and has authorized the permit suspension or revocation, which will be provided to the contractor in writing along with the steps that need to be taken in order for the suspension or revocation to be lifted.
- J. Permit Amendments - Any active valid septic permit may be amended through the following process:
 - 1. The contractor shall consult with the Environmental Health Officer and obtain approval regarding any possible construction amendments prior to conducting any amended work on the SSTS. If contractor cannot reach the Environmental Health Officer regarding amended tank placement, an acceptable method of moving forward and preventing delay is to leave a phone message with the Environmental Health Officer. If Environmental Health Officer is unable to inspect tank within the allotted time, an updated record drawing shall be submitted to the office within 2 days of installation.
 - 2. For minor modifications, the Environmental Health Officer may authorize slight amendments while on-site, the minor modifications shall be documented in writing by the contractor.
- K. Record Drawing – Will be provided to the Department during the septic permit approval process. A site visit prior to the approval of the septic permit application will not only verify suitable soils but also verify the agreed upon septic site. Drawings shall be accurate and complete as determined by the Department. A designer is allowed to adjust the agreed upon septic site so long as the site overlaps a portion of the original site, remains within the design parameters, the border of the distribution media doesn't move outside of the two verified soil test pits, and does not encroach on required setbacks. The setback for sewage tanks shall also be verified by the Department and installer during the component compliance inspection and noted on the record drawing, if need be.

Sec. 5.03 System Inspections

After the permit has been issued, Cook County will perform at least one inspection while construction is underway to verify system component installation, and to ensure compliance with applicable requirements.

At any time during system installation, the Department may conduct additional inspections relevant to system installation.

- A. It shall be the responsibility of the contracted installer to notify the Environmental Health Officer when the first day system construction starts and components are ready for inspections. If the installer provides notification at or before 9:00 a.m., the Environmental Health Officer shall have until the end of that business day to inspect the system. If the installer provides notice after 9:00 a.m., the Environmental Health Officer shall have 24 hours from the time of notification to inspect the system. Under adverse weather conditions, the Environmental Health Officer may authorize the installer to cover the system to protect its components.

If the Environmental Health Officer is unable to inspect the system within the allotted time, then the installer shall photo document each component of the installed system while uncovered, and then cover the system. Photos must be turned in to the Department along with the other required documentation with an updated record drawing no later than 15 business days from notifying the Environmental Health Office. The pictures shall clearly show the following items:

1. Photo showing markings near the outlet with “Bedded” marked on top of tank by manufacturer, or separate photo of tank visibly set on bedding,
 2. Photo of schedule 40 pipes in and out of tank,
 3. Photo of crushed rock or other means of adequate support under inlet and outlet of pipes,
 4. Photo of all sealed penetrations including all tank and riser joints, riser connections, pipe connections and inspection pipes, and
 5. Photo of tank crowned or sloped to shed surface water.
 6. For all new holding tanks, an additional photo of installed lockout straps.
- B. For all other treatment system components, if the Environmental Health Officer or other authorized agent of the County is unable to inspect within the allotted time, then the photo documentation taken prior to covering the system shall include:
1. Photo of sand layer upon which the absorption bed is placed and level in all directions,
 2. Photo of all sand berms not exceeding maximum slopes of 3:1,
 3. Photo of distribution media inspection pipe and distribution pipes installed,
 4. Photo of rockbed distribution pipes covered with 2” of rock and level in all directions,
 5. Photo of sand depth under mound along the upslope distribution media stake, and
 6. Photo of permeable synthetic fabric used on top of rockbed.

Failing this and/or failing to notify the Environmental Health Department as detailed in Sec. 3.04, part or all of the system may be subject to being uncovered to verify compliance.

- C. After either the Environmental Health Officer has performed the component inspection, or the timeline has passed and the appropriate pictures have been taken, the system may be covered. Final cover on mounds is to include 6” of sandy loam cover and 6” of topsoil borrow used for establishing vegetative cover. Cover material is to be used for center (crown) of the mound establishing a minimum of a 10:1

slope. It is the responsibility of the installer and property owner to complete the final grading, upslope diversion if necessary, and vegetative cover.

Sec. 5.04 Abandonment

- A. Purpose - The purpose of the system abandonment is to ensure that a treatment system no longer in service is abandoned as detailed in MN Rule 7080.1500, Subp. 4(B), and in a manner that protects public health, safety and water quality. It also terminates all non-compliant systems and permits associated with the lot.

- B. Abandonment Requirements.
 - 1. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited, unless otherwise permitted by the Environmental Health Department.
 - 2. Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Department.
 - 3. It is the responsibility of the property owner to ensure that all components of the discontinued system are abandoned in accordance with Sec. 3.08(E) of this Ordinance. No prior notification of the Department of an owner's intent to abandon a system is necessary.

- C. Abandonment Certificate - Upon receipt of an abandonment report and its determination that the SSTS has been abandoned according to the requirements of this Ordinance, the Department shall issue a Certificate of Compliance. If the abandonment is not completed according the requirements of this Ordinance the County shall notify the owner to the SSTS of the deficiencies, which shall be corrected within 30 calendar days of the notice.

Article 6 Management Plans

Sec. 6.01 Purpose - The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

Sec. 6.02 Management Plan Requirements

A. SSTS Requiring Management Plans

1. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the homeowner by the licensed installation business.
2. The County may, at its discretion, require an operating and maintenance agreement or management plan for any system requiring a permit for a repair, modification, or expansion, or upon review of an inspection conducted in conjunction with a property conveyance.

B. Operation and Maintenance Agreements

1. All type IV, V systems and systems over 5,000 gpd shall require an Operation and Maintenance Agreement between the homeowner and a licensed service provider.
2. Service Providers must observe and provide written reports of any noncompliance to the system owner and the local unit of government within 30 days. If a system has not been operated under an Operation and Maintenance Agreement or if Operation and Maintenance Agreement requirements have not been met during an existing compliance inspection, the owner of the system will be issued a notice of noncompliance.
3. The service provider shall use the manufacturer's service agreement or the U of M maintenance forms as listed in the service provider documents.

C. Required Contents of a Management Plan - Management plans in accordance with MN Rules Chapter 7082.0600, Subp. 1, shall include:

1. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
2. Monitoring requirements;
3. Maintenance requirements, including maintenance procedures and a schedule for routine maintenance;
4. Statement that the owner is required to notify the Department when the management plan requirements are not being met;
5. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence; and
6. Other requirements as determined by the Department.

- D. Requirements for Systems not Operated under a Management Plan - SSTS that are not operated under a management plan or an operation and maintenance agreement must be evaluated for water tightness of the tank below the operating depth, assessed for other major water leaks, and be measured for scum/sludge accumulation by a certified maintainer or service provider, **or** the tank must be pumped out at least once every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

Article 7 Compliance Management

Sec. 7.01 Compliance Inspection Program

- A. Department Responsibility - It is the responsibility of the Department, or its agent, to perform various SSTS compliance inspections in accordance with the triggers listed in Sec. 7.01(A)(1) to assure that the requirements of this Ordinance are met. Certificates of Compliance must be filed by the Environmental Health Department.
1. SSTS Compliance Inspections must be performed:
 - a. To ensure construction compliance with applicable requirements;
 - b. For an addition of a bedroom.
 - c. Existing septic systems on a lot.
 - d. For all new SSTS construction or replacement;
 - e. As part of any lakeshore septic compliance program adopted by the Board of Commissioners; and,
 - f. In conjunction with the issuance of any land use permit within any shoreland district unless otherwise exempted in this section.
 2. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
 3. The Department shall be given property access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, “property” does not include a residence or private building. The Department shall notify the owner of the Department’s intent to inspect any existing SSTS at least 2 days in advance of the intended inspection.
 4. No person shall hinder or otherwise interfere with the Department’s employees, or its agents, in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- B. New Construction or Replacement
1. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080, 7081, 7082 or 7083. SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored or otherwise managed according to the operating permit. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department’s requirements.
 2. A Certificate of Compliance for new SSTS construction or replacement shall be issued by the Department to the property owner and installer if the Department has reasonable assurance that the system was built in accordance with requirements specified in the septic permit, and shall be valid for ten years from the date upon which it was issued.

3. The Certificate of Compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is in compliance with the Ordinance requirements. If the SSTS is determined to not be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner, including a statement specifying those Ordinance provisions with which the SSTS does not comply.
4. Certificates of Compliance (or Notices of Noncompliance) for new system construction shall be submitted to the property owners and installers within 30 business days after the date of the final inspection.

C. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
 - a. When a septic permit is required to repair, modify, or upgrade an existing system unless the property owner voluntarily deems the existing systems to be failing;
 - b. Any time there is an expansion of use of the building being served by an existing SSTS which may impact the performance of the system;
 - c. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system;
 - d. Any time deemed appropriate such as, but not limited to, receipt of a complaint or other notice of a system malfunction; or,
 - e. When the lakeshore inspection program is extended or other inspection programs are implemented.
2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions must be assessed, or verified:
 - a. Water-tightness assessment of all treatment tanks including a leakage report;
 - b. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical separation report. Chapter 7082.0700, Subp. 4 requires a soil separation compliance assessment be completed by a licensed inspection business and/or a qualified employee inspector with jurisdiction. Compliance must be determined either by conducting new soil borings or by prior soil separation documentation made by two independent parties. The soil borings used for system design or previous inspections are allowed to be used. If the soil separation has been determined by two independent parties, a subsequent determination is not required unless requested by the owner or owner's agent, or required according to local regulations. If there is a dispute between the inspections, the disputing parties must follow the local dispute resolution procedures. If no local dispute resolution procedures exist, the dispute resolution procedure described in 7082.0700, Subp. 5 must be followed.
 - c. Sewage backup, surface seepage, or surface discharge including a hydraulic function report.

3. A private licensed inspection business must complete an office visit with the Department prior to starting their first existing compliance inspection in the County to ensure a mutual understanding regarding system inspection requirements. The certificate of compliance must be complete, accurate and include a certified statement by a qualified employee or licensed inspection business, indicating whether the SSTS is in compliance with the Ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be complete, accurate and include a statement specifying those Ordinance provisions with which the SSTS does not comply. A septic permit application must be submitted to the Department if the required corrective action is not a minor repair.
4. The certificate of compliance or notice of noncompliance must be submitted to the Department and to the owner or owner’s agent no later than 15 days after the date the inspection was performed.
5. Certificates of compliance for existing SSTS shall remain valid for six years from the date of issue unless the Department finds evidence of noncompliance.

Article 8 Septage Disposal and Treatment

Septage, as defined in Minnesota rules, Chapter 7080 or successor rules, shall be pumped and disposed of at an MPCA permitted wastewater treatment facility, or land spread in accordance with applicable local, State and Federal Laws.

Article 9 Enforcement

Sec. 9.01 Violations

- A. Cause to Issue a Notice of Violation - Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

- B. Notice of Violation and Administrative Order - The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:
 - 1. A statement documenting the findings of fact determined through observations, inspections, or investigations;
 - 2. A list of specific violation(s) of this Ordinance;
 - 3. An Administrative Order containing specific requirements for correction or removal of the specified violation(s);
 - 4. A mandatory time schedule for correction, removal and compliance with this Ordinance;
 - 5. A statement indicating that the property owner will be responsible for any costs incurred by the County if the property owner fails to take the necessary corrective actions required to remove, abate, repair and/or replace an imminent threat to public health, and that those costs shall be recovered by the County through a charge against property taxes; and,
 - 6. Administrative Orders may be appealed to the Board of Adjustment in accordance with Section 4.07 of this Ordinance.

- C. Cease and Desist Orders - Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County Ordinance is being or has been conducted without a permit or in violation of a permit to the extent that the activity can reasonably be expected to result in an imminent threat to public health. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

Sec. 9.02 Prosecution - In the event of a violation or threatened violation of this Ordinance, the County may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct, or abate such violations or threatened violations and the County Attorney shall have authority to commence such civil action. The Department and County Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

Sec. 9.03 State Notice of Violation - In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified

person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Ordinance.

Sec. 9.04 Refusal to Issue Permits – The Department may refuse to issue septic permits to any contractor who is in violation of the provisions of this Ordinance, after the following steps have been taken:

1. The contractor has been issued a written notice of violation in accordance with Section 9.01(B) of this Ordinance;
2. The contractor has unsuccessfully exhausted all means of appeals afforded to challenging the notice of violation;
3. The contractor has not corrected or abated the violation(s) identified in the notice of violation within 15 days of the end of the appeals process; and
4. The Director of Environmental Health has reviewed all pertinent information, and has authorized the refusal of issuing further permits, which will be provided to the contractor in writing along with the steps that need to be taken in order to start receiving permits again.

Sec. 9.05 Appeals

While any aggrieved party may appeal to the Board of Adjustment at any time, an aggrieved party may also administratively appeal any determination of the Environmental Health staff, without having to officially appeal to the Board of Adjustment, through the following steps:

1. The aggrieved party may first appeal directly to the Environmental Health Director.
2. If a resolution is not achieved through the first level of appeal, the aggrieved party may appeal to the Septic Appeal Panel, consisting of the Environmental Health Director, County Attorney, and one County Commissioner.
3. If there is still no resolution, then the aggrieved party may appeal to the Board of Adjustment.

Article 10 Record Keeping

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, operation and maintenance agreements, maintenance reports, an annual list of all sewage tanks installed in the county sorted by licensed installation businesses, and other records relevant to each system.

Article 11 Annual Report

The Department shall provide an annual report of SSTs permitting activities to MPCA no later than February 1 for the previous calendar year.

Article 12 Fees

It shall be the responsibility of the Cook County Board of Commissioners, based upon recommendations from the Environmental Health Department, to establish fees for any specified activity undertaken pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

Article 13 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Article 14 Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

Article 15 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, or impair any other existing County Ordinance, easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Article 16 Ordinance Repealed

Any previous Cook County Ordinance for the regulation of Individual Sewage Treatment Systems of the County is hereby repealed.

Glossary of Minnesota Statutes and Rules, and Other Referenced Documents

MN Statute 115.55	Subsurface Sewage Treatment Systems
MN Statute 145A	Local Public Health Ordinances
MN Statute 375.51	County Ordinances, Enactment and Publication
MN Statute 394	County Planning, Development, Zoning
MN Statute 471.62	Statutes or Rules May Be Adopted by Reference
MN Rules 4626	Food, Beverage, and Lodging Establishments
MN Rules 4715	Minnesota Plumbing Code
MN Rules 4717	MN Dept. of Health Variance Rules
MN Rules 4720	Public Water Supplies
MN Rules 4725	MN Well Code
MN Rules 6105	DNR Rules for Septic System Setbacks for Wild and Scenic Rivers
MN Rules 6120	DNR Rules for Septic System Setbacks for Shoreland Areas
MN Rules 7080	MPCA Individual Subsurface Sewage Treatment Systems
MN Rules 7081	MPCA Mid-Sized Subsurface Sewage Treatment Systems
MN Rules 7082	Local Sewage Treatment System Programs
MN Rules 7083	SSTS Credentialing and Product Registration
CFR Title 40, Part 144	Federal Underground Injection Control Program
CFR Title 40, Part 503	Standards for the Use or Disposal of Sewage Sludge
Cook County Comprehensive Land Use Guide Plan	
Cook County Water Management Plan	
Cook County Zoning Ordinance	

Article 17 Adoption

The Cook County Septic Ordinance is hereby adopted by the Cook County Board of Commissioners on this 11th day of March, 2011, and amended on May 12, 2015, April 19, 2016 and April 24, 2018 .

Ginny Storlie, Chairperson, Cook County Board of Commissioners

ATTEST:

Braidy Powers, Cook County Auditor

EFFECTIVE DATE: **April 24, 2018**