

BENTON COUNTY, MINNESOTA

WHEREAS, the Benton County Planning Commission on its own motion instituted proceedings to amend the Benton County Development Code; and,

WHEREAS, on March 3, 1992, Notice of Public Hearings was published in the official newspaper of Benton County; and,

WHEREAS, on March 19, 1992, the Benton County Planning Commission held a public hearing thereon and on that date approved the proposed ordinance and,

WHEREAS, on April 7, 1992, the Benton County Board of Commissioners held a public hearing thereon and subsequently voted to enact the proposed ordinance;

NOW, PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25 AND SECTION 11.8 OF THE BENTON COUNTY DEVELOPMENT CODE, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:

That Sections 9.6 through 9.6.10 of the Benton County Development Code shall be deleted and replaced with the following language:

9.6 Sewage Disposal Standards

9.6.1 Licensing

No person, firm or corporation shall engage in the business of installing and constructing sewage disposal systems within the County of Benton without first obtaining a license to carry on such occupation from the County Board, and procuring and posting with the Zoning Administrator a bond in the amount of \$5,000.00 in favor of the County and the public, conditioned upon the faithful performance of contracts and compliance with this Ordinance. Such license shall be revoked by the

Board for cause. Any installation, construction, alteration or repair of a sewage disposal system by a licensee in violation of the provisions of Section 9.6 of this Ordinance, or refusal on the part of a licensee to correct such defective work performed by such licensee, shall be cause for revocation of or refusal to renew a license.

Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing to show cause why such license should not be revoked or refused. Notice of the time, place and purpose of such hearing shall be in writing. Application for such license shall be made annually on a form furnished by the County Board.

Effective April 1, 1993, any person engaging in the business of constructing and installing sewage disposal systems must be certified as a sewage disposal system installer by the State of Minnesota.

9.6.2

Permits

- A. No person, firm or corporation shall install, alter, repair, or extend any individual sewage disposal system in the county without first obtaining a permit therefor from the Board or its authorized representative for the specific installation, alteration, repair, or extension; and, at the time of applying for said permit, shall pay a fee established by the County Board. Such permits shall be valid for a period of six months from date of issue.
- B. Applications for permits shall be made in writing upon printed blanks or forms furnished by the County and shall be signed by the applicant.
- C. Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place, and each application for a permit shall be accompanied by a site sketch of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property, and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this Ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired or extended. The application shall also show the present or proposed location of wells, water supply

facilities and water supply piping, and the name of the person, firm or corporation who is to install the system and shall provide such further information as may be required by the County Board.

- D. No permit authorizing the construction of an individual sewage treatment system, in conjunction with new structure construction, shall be issued until the applicant provides the Zoning Administrator with the results of a soil percolation test. Persons, firms or corporations that engage in the business of installing and constructing, or contracting with others to install, individual sewage treatment systems, shall submit percolation test results and individual sewage treatment system designs performed by a Minnesota certified individual sewage treatment system designer for the specific building site.
- E. The provision for percolation tests may be waived at the discretion of the zoning administrator or his designated appointee, providing sufficient information about the site and site soils is provided by the applicant.

9.6.3

General Provisions

- (1) In addition to the standards stated herein, all individual sewage treatment systems must be installed and maintained in compliance with the most recent Minnesota Pollution Control Agency Individual Sewage Treatment Standards, which are contained in Minnesota Rules, Chapter 7080. These rules are incorporated by reference and made part of this ordinance.
- (2) When a public sewer system is in place in close proximity to a lot or parcel, the owner of said lot or parcel must utilize that system for wastewater (sewer) disposal on the lot and may not use an individual sewage treatment system.
- (3) No unpolluted water or stormwater shall be discharged to individual on-site systems.
- (4) All individual sewage treatment systems shall maintain a separation distance of four (4) feet between the bottom of the wastewater distribution (treatment) system and the seasonally high water table.
- (5) It shall be unlawful to discharge the following wastes to an individual on-site treatment system:
- (a) Liquids, solids, gases, or other substances

which singly, or by interaction with other wastes, may cause fire or explosion or cause of injury to the treatment system.

- (b) Solid or viscous substances which may cause obstruction to the flow.
 - (c) Wastewater having a pH of less than 5.0, or greater than 9.5, or having any other corrosive or caustic property capable of causing damage to the facility or a hazard to the community.
 - (d) Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and Minn. Stat. 115.01, subd. 14.
 - (e) Wastewater having a temperature greater than 150 degrees F.
 - (f) Wastewater containing high concentrations of fats, wax, grease.
 - (g) Commercial food wastes.
 - (h) Tobacco products.
 - (i) Wastewater containing inert suspended solids.
- (6) Grease, oil and sand interceptors shall be provided at the owners expense when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, and/or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal.
- (7) Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged onto the ground surface, into abandoned wells, or bodies of surface water, or into any soil or rock formation, the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with the other requirements of this Ordinance.

- (8) Automobiles, bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.
- (9) The system shall consist of a building sewer, a septic tank, and a soil treatment system. The soil treatment system shall consist of a sub-surface disposal field (or a pressurized mound system). All sewage shall be treated in the septic tank and the septic tank effluent shall be discharged to the treatment system.
- (10) Septic tank effluent shall not be discharged into an agricultural tile line or drainage system.
- (11) Septic tanks shall be inspected and pumped at intervals no greater than three years. Additionally, all septic tanks shall be pumped if the top of the sludge layer is within 12 inches of the bottom of the outlet baffle or wherever the bottom of the scum layer is within 3 inches of the bottom of the outlet baffle. Pump stations, distribution devices, valve or drop boxes should be inspected on an annual basis; if the inspection indicates that there is an accumulation of solids, such devices shall be promptly cleaned.

9.6.4 Septic Tank Standards

(1) Location

- a. Septic tanks shall be set back the following distances from the features given below:

TABLE 1

<u>Feature</u>	<u>Minimum Setback Distances (Feet)</u>
Water Supply Well or Buried Water Suction Line	50
Buried Pipe Distributing Water Under Pressure	10
Buildings	10
Property Lines	10

- (2) The tank shall be constructed of sound and durable material not subject to excessive corrosion or decay. Properly cured precast and cast-in-place reinforced concrete tanks are acceptable. Precast tanks should have a minimum wall thickness of two and one-half (2-1/2) inches and be adequately reinforced. Precast slab covers should have a thickness of at least three (3) inches and be adequately reinforced. No metal or curved block tanks will be allowed.

9.6.5 Drainfield (Treatment System) Standards

(1) Location of Drainfields

- (a) Construction of drainfields shall not be allowed on soils with a percolation rate slower than sixty (60) minutes per inch.
- (b) Bed construction shall be limited to areas having natural slopes of less than six (6) percent.
- (c) All soil treatment systems other than seepage pits shall be set back the following distances from the features given below:

TABLE 2

<u>Feature</u>	<u>Setback distance in feet</u>
Water supply well less than 50 feet deep and not encountering at least ten feet of impervious material	100
Any other water supply well or buried water suction pipe	75
Buried pipe distributing water under pressure	10
Building	20
Property lines	10
Natural Environment Lakes & Streams	150
Recreational Development Lakes	100
General Development Lakes & Streams	75
Wild River	200
Transitional/Forested Rivers	150
Scenic River	100
Agricultural/Urban & Tributary Rivers	100
Recreational River	75
Designated Tributaries of Wild, Scenic & Recreational Rivers	75
Bluffs	30
Road Right-of-Way	5

(2) Design and Construction

- (a) The trenches shall be not less than eighteen (18) inches, nor more than thirty-six (36) inches wide. Any trench wider than thirty-six (36) inches shall be considered a bed.
- (b) Trenches and beds shall be not more than one hundred (100) feet in length.
- (c) The bottom of the trench or bed excavation shall be level.
- (d) The bottom and sides of the trench or bed excavation to the level of the filter material shall be scarified to remove smears left by the construction equipment and footprints. All loose material shall be removed from the excavation. The bottom of the excavation shall not be driven on or walked on after scarification.
- (e) When the soil percolation rate at the bottom of the trench or bed is slower than fifteen (15) minutes per inch, no vehicle or excavation equipment shall be allowed on the trench or bed area. Excavation shall be by backhoe or other means that allow the equipment wheels or tracks to remain on the surface soil.
- (f) There shall be a layer of at least six (6), but not more than twenty-four (24), inches of filter material in the bottom of the trenches and beds.
- (g) Where disposal trenches are constructed within ten (10) feet of trees six (6) inches or larger in diameter, or dense shrubbery, or where it can reasonably be anticipated that such vegetation will be present during the expected life of the system, at least twelve (12) inches of filter material shall be placed beneath the distribution pipe.
- (h) Distribution pipe used in trenches or beds for gravity flow distribution shall be at least four inches in diameter, and constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions.
 - 1. Perforated plastic pipe shall be laid with one (1) row of perforations on the bottom. Perforations shall be at least one-half (1/2) inch in diameter and spaced no farther than thirty-six (36) inches apart.

2. Other devices may be used to distribute sewage tank effluent over the soil treatment area upon approval of the local administrator of the sanitary ordinance.
 - (i) The distribution pipes shall be laid level or on a uniform slope away from the sewage tank of no more than four (4) inches per one hundred (100) feet.
 - (j) The distribution pipes in beds shall be uniformly spaced no more than five (5) feet apart and not less than thirty (30) inches from the side walls of the bed.
 - (k) The filter material shall completely encase the disposal pipes to a depth of at least two (2) inches.
 - (l) The filter material shall be covered with untreated building paper and a two (2) inch compacted layer of hay or straw or similar, approved permeable materials.
 - (m) The trenches or beds shall be backfilled with the excavated material and slightly crowned above finished grade to allow for settling. The backfill shall not be compacted to a density greater than that of the original soil.
 - (n) The minimum depth of cover over the distribution pipes shall be at least eighteen (18) inches.
 - (o) The maximum depth of cover over the distribution pipes shall be no more than thirty-six (36) inches and preferably twenty-four (24) inches.
 - (p) A grass cover shall be established over the soil treatment area.
 - (q) All tanks and lift stations shall be constructed of sound and durable material not subject to excessive corrosion or decay. Properly cured precast and cast-in-place reinforced concrete tanks are acceptable. Precast tanks should have a minimum wall thickness of two and one-half (2-1/2) inches and be adequately reinforced. Precast slab covers should have a thickness of at least three (3) inches and be adequately reinforced. No metal or curved block tanks will be allowed.
 - (r) Lift stations shall be monitored to minimize the chance of accidental sewage overflows. A visual and audible warning system shall be installed which allows twenty-five (25) percent reserve capacity

after actuation. If electricity is not available on the site, a visual, float actuated, alarm may be installed, providing that the alarm warns that there is a twenty-five (25) percent reserve capacity after actuation.

- (s) Lift stations shall be sized to allow for a capacity of 100% of daily flow. For residences, daily flow = 150 gallons x (number of bedrooms).

If a lift station is sized smaller than 100% of daily effluent flow, a two-pump system shall be installed.

Lift station pump control devices shall be set so that they pump out no more than 25 percent of one day's effluent flow.

Additionally, pump controls shall be set to shut off pump with 2 inches of effluent left over pump motor housing.

9.6.6 Holding Tanks

- (1) General

Holding tanks shall be considered for replacement systems only if there are no other alternatives and it can be shown that their installation will eliminate a public health or pollution hazard.

- (2) Construction

A holding tank shall be constructed of the same materials and by the same procedures as those specified for watertight septic tanks.

- (3) Depth of Bury

The tank shall be protected against flotation under high watertable conditions. This shall be achieved by weight of tank, earth anchors or shallow bury depths.

(4) Capacity

- (a) For a dwelling, the size shall be at least 1,500 gallons.
- (b) For permanent structures other than dwellings, the capacity shall be based on measured flow rate or estimated flow rates. The tank capacity shall be at least five (5) times the daily flow rate.

(5) Accidental Overflow

Holding tanks shall be monitored to minimize the chance of accidental sewage overflows. A visual and audible warning system shall be installed which allows twenty-five (25) percent reserve capacity after actuation. If electricity is not available on the site, a visual, float actuated, alarm may be installed, providing that the alarm warns that there is a twenty-five (25) percent reserve capacity after actuation.

9.6.7 Nonconforming and Substandard Systems

A. Nonconforming Systems

On-site sewage treatment systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by chapter 7080, shall be brought into conformity or discontinued within 60 days after notification by the County Zoning Administrator.

A nonconforming system is a system that is polluting surface or ground waters or one that has failed. All sanitary facilities inconsistent with Section 9.6 of this Ordinance shall be brought into conformity or discontinued within 60 days after notification by the County Zoning Administrator.

All other nonconforming systems shall be subject to the following conditions:

1. No such system shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
2. If such system is discontinued for twelve (12) consecutive months, any future use of the system shall conform to this Ordinance.
3. Systems which are nuisances shall not be permitted to continue as nonconforming systems.

B. Substandard System

A substandard system is a system that is not designed or constructed according to present standards, but which is functioning in a sanitary manner. Violations of the setback from the ordinary high water mark only, will not cause a system to be substandard. Substandard sanitary facilities shall be allowed to continue, however, any alteration or addition to a substandard system which will increase the substandard dimensions shall not be allowed.

Substandard systems that are not nonconforming shall be allowed to continue, except in the following circumstances:

1. A substandard sewage system must be upgraded and placed in conformity with the provisions of this ordinance at any time a permit or variance is required for any improvement to a dwelling unit.
2. Substandard systems must be upgraded and placed in conformity with the provisions of this ordinance at any time repairs, other than normal pumping and maintenance, are performed on the system.

C. Community Education

1. In an effort to identify and upgrade individual on-site wastewater treatment systems that are nonconforming, Benton County will establish a public education program. The program's focus will center on including an educational brochure on septic systems with the county tax statements in the spring of 1993. The brochure will provide information on system maintenance, criteria to help the owner determine whether they have a conforming system and whether the system is functioning properly, encouragement to upgrade nonconforming systems, and an offer for county staff to inspect the owner's system as staff workloads permit.
2. In conjunction with the direct mail education program, Benton County will periodically disseminate information on upgrading nonconforming individual on-site wastewater treatment systems to the media, lake associations and area conservation groups.
3. Benton County staff will, as workloads permit, undertake a systematic review of existing records to determine which systems, in its jurisdiction, are nonconforming and require reconstruction. The owners of these systems will be contacted and asked to upgrade their treatment systems.

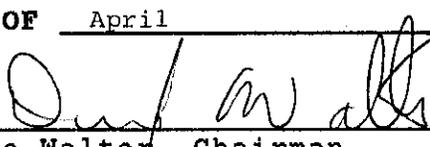
9.6.8 Enforcement

Each system for which a permit is required must be inspected by the County Zoning Administrator or his designee before the system is covered. It is the responsibility of the permit holder or landowner to notify the County Zoning Administrator or his designee that the system is ready for inspection. Failure to comply with said requirement shall be a misdemeanor.

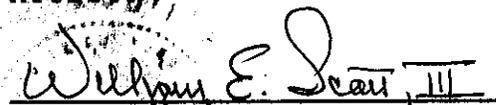
The County Zoning Administrator or his designee shall visually inspect the system within two business days from the time the permit holder or landowner gives notice of readiness.

Any licensed sewage disposal system installer who covers a system without complying with the above inspection requirement shall be subject to forfeiture of his license.

APPROVED AND ADOPTED BY THE BENTON COUNTY BOARD OF
COMMISSIONERS THIS 21 DAY OF April, 1992.



Duane Walter, Chairman
Benton County Board of Commissioners

ATTESTOR


William E. Scott, III, Clerk

207894

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

APR 23 10 48 AM '92

ALICE C. ENGELMEYER
COUNTY RECORDER

BY  DEPUTY