

St. Louis County Environmental Services Proposed Language for the Subsurface Sewage Treatment Systems Ordinance

February 18, 2009

St. Louis County Environmental Services proposes to adopt the Association of Minnesota Counties Model SSTS ordinance. This ordinance adopts, by reference, State Rules 7080 and 7081. The following is a list of proposed amendments to the adopted rules and modifications to the model ordinance.

Clean Sand Article V, Section 2.01

When St. Louis County adopted Ordinance 55 on August 1, 2000, we incorporated a standard for mound sand that was **more restrictive** than 7080 for the following reason:

1. Ordinance 55 only allows 3% fines in the mound sand.

Ordinance 55 is **less restrictive** in that:

1. The standard we use allows for the use of pit run gravel (which is available throughout the county) and less expensive than washed sand (which is only available at washing or screening plants).
2. Cleaner sand will help the system last longer which also saves money.

Water Use Table for Determining Design Flow

7080.1860 Table IV has a complicated formula for determining Design Flow. There are four categories which are based on the number of square feet of the home and the number of water use fixtures that are proposed. This can be confusing is the homeowner adds on to the home or adds water use fixtures (such as whirlpool bath tubs) that cannot be monitored.

St. Louis County proposed only two categories. The first category is the same as 7080 Type I (150 gallons/bedroom/day) and the second is based on average daily flows (100 gallons/bedroom/day).

Reasons for doing this:

1. Ease of use for designers.
2. Fewer problems for homeowners when they expand their home or the use of their home.
3. Easier to regulate.

Design Flow Tables

Minnesota Rules Chapter 7080 Table IX assigns loading rates to soils for the purpose of designing septic systems. For each type of soil, the number of gallons of septic system effluent that can be applied to a square foot of the treatment area is indicated in the table.

There are five pages of this table. There are many soil types listed with a loading rate of zero gallons/square foot. We are currently allowing septic systems on these soils and wish to continue doing so.

St. Louis County is proposing a simpler table that lumps many soil types together and assigns a common loading rate and a contour loading rate.

Why are we doing this?

1. Many areas of the County, which are currently being developed with septic systems could no longer be developed.
2. St. Louis County's table will be easier to use.

Sidewall Absorption Area Reduction

Minnesota Rules Chapter 7080.2210 allows licensed designers to design standard trench systems with up to 30 inches of rock below the pipe. The trenches are deeper and have more sidewall area than standard trenches. The additional sidewall area acts as an absorption area reduction credit. This makes the trench system shorter and deeper into the soil. Deeper systems receive less oxygen and will fail faster due to soil clogging.

What we propose:

St. Louis County has not allowed sidewall credit in the past and feel it is not appropriate except in the case of limited septic system area.

Two Standard (Type I) Areas

Minnesota Rules 7080 and 7081 require the septic system area and replacement area to have at least 12 inches of unsaturated soil. This would only allow for standard treatment systems such as a trench system or a mound system.

What we propose:

St. Louis County has large areas without 12 inches of unsaturated soils. We have allowed development of these areas with performance systems which do not require 12 inches of unsaturated soils. We have allowed the replacement area as long as it met the standard for a performance system. We have not seen any problems with this policy.

Point of Sale – Escrow Account

St. Louis County currently does not require an escrow account to fix failing systems when a property is transferred. Typically, the seller reduces the asking price and buyer agrees to replace the septic system within two years. After two years many buyers do not have money to replace the system. We believe an escrow account would solve this.

Enforcement

The County is proposing one major change to the ordinance which is aimed at bringing people into compliance with violations of the Transfer and the Operating Permit sections of the Ordinance. The new language would allow the County to have someone correct the violation and then assess the cost of the correction to the property taxes. This would ensure that the systems are maintained and functioning properly.