



Board of County Commissioners Agenda Request

6B
Agenda Item #

Requested Meeting Date: June 24, 2025

Title of Item: First Reading - Amendment to Septic Ordinance (Discussion Only)

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Andrew Carlstrom		Department: Environmental Services
Presenter (Name and Title): Andrew Carlstrom, Environmental Services Director		Estimated Time Needed: 10 Minutes
Summary of Issue: <p>On April 21, 2025 the Aitkin County Planning Commission approved the proposed amendments to the Subsurface Sewage Treatment System (SSTS) Ordinance. The Minnesota Pollution Control Agency (MPCA) has reviewed and approved the proposed amendments. A public notice was published in the Aitkin Age on June 4, 2025 of this Public Hearing today.</p> <p>In accordance with MN Statute 394 and Rule 11 of the Aitkin County Ordinances and Procedures of the Board of Commissioners Meeting Procedures and Rules of Business Board of Commissioners, two readings shall be conducted prior to the adoption of the amendment.</p> <p>Please see attached memorandum, proposed summary of changes, and the proposed resolution.</p>		
Alternatives, Options, Effects on Others/Comments: Discussion Only		
Recommended Action/Motion: Discussion Only		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

Aitkin County Environmental Services Planning and Zoning
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Room 219
Aitkin, MN 56431
Phone: 218-927-7342
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MEMORANDUM TO AITKIN COUNTY BOARD OF COMMISSIONERS

DATE: June 24, 2025

FROM: Andrew Carlstrom, Environmental Services Director – Planning & Zoning Administrator

RE: Proposed amendments to the 2014 Aitkin County Subsurface Sewage Treatment System Ordinance (SSTS) Ordinance

In accordance with the new Aitkin County Strategic Plan and in an effort to streamline, improve clarity, and update the current SSTS ordinance, Aitkin County Environmental Services staff has worked collaboratively with the Ordinance Committee and with the Minnesota Pollution Control Agency (MPCA) Program Coordinator, to propose modest amendments to the current SSTS ordinance. The Ordinance Committee met on February 11, 2025 to review and discuss the proposed changes. Staff met with the MPCA on April 15, 2025 to review proposed changes, and has made small revisions at the direction of the MPCA. The Planning Commission approved the proposed amendments on April 21, 2025 and the MPCA completed their final review on June 4, 2025.

A summary of the proposed changes are as follows: Section 1.1 - Statute 471.82 has been repealed. Section 4 - Definitions: added “Composting Toilet” definition and made minor amendments Type 1 through Type 5 systems in accordance with MPCA guidance. Section 5.65 - Holding Tanks: strikethrough language moved to Section 6.4. Section 6.4 - Holding Tanks: allowed for exceptions and re-organized. Section 6.6 - SSTS for Recreational Vehicles (RV)/Fish Houses used as RV’s: amend to allow holding tanks and in accordance with Section 6.4. Section 6.77 – Difference in Standards: streamline language per MPCA and amend setback to “outer limits of absorption area”. Section 8.9 – Operating Permit: amend requirement and exclude Type 3 systems with less than 12 inches soil. Section 10.14 – Administrative Fees: amend to “may” be charged after-the-fact fee.

If you have any questions, please feel free to contact me at 218-927-7342 or by email at andrew.carlstrom@aitkincountymn.gov.

Changes

Subsurface Sewage Treatment System Ordinance Aitkin County 6/24/25

Section 1.1 – Statute 471.82 (Repealed)

Section 4 Definitions

Composting Toilet: A Composting toilet is a self-contained unit (not connected to sewer or water) that has two principles of operation: liquid (urine) is evaporated, and solids (fecal matter) is biologically decomposed into compost.

Type I System (Standard): A SSTS that is designed according to Parts 7080.2200 to 7080.2240, **including but not limited to:** These standard systems utilize trenches, beds, mounds, at-grades, chambers, dual fields or gray water systems. **Type I Standard** systems must be placed on natural **and** undisturbed soils. ~~and installed in a manner that allows for at least thirty-six (36) inches of vertical separation between the bottom of the systems distribution media and periodically saturated soils or bedrock.~~

Type II System: A SSTS that is designed according to Parts 7080.2270 to 7080.2290 **including but not limited to:** These systems are designed as holding tanks, privies, toilet waste treatment devices and septic systems installed in the flood plain.

Type III System: A SSTS that deviates from the requirements in Parts 7080.2210 to 7080.2240. These systems, **constructed according to 7080.2300** include, **but are not limited to:** systems built on fill or disturbed soil, systems constructed on sites with less than twelve (12) inches of natural soil above the periodically saturated soil or bedrock, and reduced size systems with timed dosing. ~~These systems require operating permits.~~

Type IV System: A SSTS that is designed according to Part 7080.2350. These systems utilize registered treatment or pretreatment technologies in order to meet various treatment requirements that a standard system may not accomplish. ~~These systems require operating permits.~~

Type V System: A SSTS that is designed according to Part 7080.2400. ~~These systems are designed by a professional engineer and do not meet the prescriptive designs for Types I-IV. These systems require operating permits.~~

Section 5.6 Prohibitions

Section 5.65 Holding Tanks

Holding tanks are not allowed as a means of sewage treatment for new construction on lots created after January 21, 1992 within the shoreland district and January 10, 1995 outside the shoreland district. ~~Holding tanks may be allowed as replacements for existing failing septic systems, systems which pose an Imminent Threat to Public Health or Safety, and only when it can be conclusively shown that a standard/Type I (Classification I or II, MN Rules Chapter 7080.1860) SSTS cannot be feasibly installed.~~ **(Comment - MOVED TO SECTION 6.4)**

6.4 Holding Tanks

~~Holding tanks may be allowed as replacements for existing failing SSTS, SSTS which pose an Imminent Threat to Public Health or Safety, and only when it can be conclusively shown that a standard/Type I (Classification I or II as per MN Rules Chapter 7080.1860) SSTS cannot be feasibly installed as determined by the Department.~~

Holding tanks may be allowed for the following applications:

- A. For dwellings that are seasonal (used fewer than 180 days per calendar year) and water usage is not more than 150 gallons of water per day. Two Type I soil treatment areas must be identified on the Management Plan by the designer, when applicable, and preserved for future use by landowner.
- B. When it can be conclusively shown that a Type I (Classification I or II as per MN Rules Chapter 7080.1860) SSTS cannot be feasibly installed as determined by a licensed designer and approved the Department.

Holding Tanks installed after the date of the enactment of this current ordinance shall follow these conditions:

- A. The owner of a holding tank must install a water meter to continuously record indoor water usage. The Department may request water usage readings at any time.
- B. A Management Plan meeting the requirements of 7082.0600 Subp. 1 must be provided by the licensed designer.

6.6 SSTS for Recreational Vehicles (RV)/Fish Houses used as RV's

RV's, that have manufactured built in holding tanks for gray and black water, that are on a parcel of land without a principle dwelling unit for more than 60 days in a calendar year must comply with the following:

If there is running water from a well to the RV a standard/Type I or Type II (Holding Tank) SSTS must be installed. Where there is no running water from a well to the RV, at a minimum an outhouse/privy must be installed, or a toilet waste treatment device as in Section 5.66 of this Ordinance would be allowed. Holding tanks will be considered ~~only if a Type I (Classification I or II as per MN Rules Chapter 7080.1860) system can't be installed as per Section 6.4.~~

6.7 Differences in Standards

- 6.7.7 Setback distances from mound septic systems to buildings, ~~lakes~~, property lines, wells, rivers, creeks, streams, road right-of-ways, **ordinary high water level**, etc., will be taken from ~~five (5) feet beyond the upslope of the rockbed, and five (5) feet beyond the ends of the rockbed, and from the end of the downslope dike or from the outer limits of the absorption area as defined in this Section. whichever is greater.~~ **the outer limits of the absorption area.**

8.4 SSTS Permit Applications (No Change)

SSTS construction permit applications shall be made on forms provided by the Department and signed by the applicant or an authorized agent. The application shall include but is not limited to the information and documents listed in items A through D below. Completed application shall be examined and approved or denied by the Department.

- A. Name, mailing address, telephone number, (and email address if available.)
- B. Property Identification Number, property address and legal description of property location.
- C. Site evaluations shall contain all the information in 2006 MN Rules Chapter 7080.0110. A minimum of two (2) soil observations per SSTS site shall be conducted. Two (2) SSTS sites shall be identified on each property, if the land area exists.
- D. Design Reports, operating permits if applicable, and any documents described in 2006 MN Rules Chapter 7080.0110-7080.0115. Design reports shall be made on forms required or approved by the Department.

8.9 Operating Permits

Operating Permits must be submitted on forms approved by the Department.

- A. An Operating Permit shall be required for the following SSTS:
 - 1. SSTS with high strength waste effluent standards that exceed MN Rule 7080.2150, Subp. 3(K).
 - 2. ~~SSTS serving three or more connections.~~
 - 3. Type III, (~~excluding Type III systems constructed on sites with less than twelve (12) inches of natural soil above the periodically saturated soil or bedrock~~), Type IV and Type V SSTS.
 - 4. SSTS that exceed a daily flow of 2,500 gallons per day.
 - 5. ~~MSTS designed under MN Rules Chapter 7081.~~

10.14 Administrative Fees

Any application for a permit that is made after the work has commenced and which requires a permit or is done in violation of a permit ~~shall~~ **may** be charged an “after-the-fact” administrative fee of five (5) times the original permit fee.

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

PROPOSED July 8, 2025

By Commissioner:

20250708-xxx

Aitkin County Subsurface Sewage Treatment System (SSTS) Ordinance Amendments

WHEREAS, the current SSTS Ordinance was drafted and adopted in 2014 and deemed in need of updating and revision by the Aitkin County Environmental Services staff; and

WHEREAS, Aitkin County is experiencing and is expected to experience the continued increase of state septic regulations and updates, the need for new septic systems, and replacement of non-compliant systems; and

WHEREAS, Aitkin County desires to amend the current ordinance in order to improve organization, understandability, and enforceability of the current SSTS Ordinance; and

NOW, THEREFORE BE IT RESOLVED, the Aitkin County Board of Commissioners does hereby authorize the proposed amendments of the Aitkin County Subsurface Treatment System Ordinance.

Commissioner xxx seconded the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, John Welle, County Engineer, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 8th day of July 2025 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 8th day of December, 2025

John Welle
County Engineer