

Land Application Ordinance

(3-2003)

PURPOSE:

- A. The purpose of this ordinance is to protect the health, safety and general welfare of the people of Aitkin County.
 - 1. Establish standards for persons, firms, partnerships or corporations engaging in the pumping, transportation and disposal of domestic septage from individual sewage treatment systems.
 - 2. Prevent contamination of surface water and groundwater.
 - 3. Avoid creation of a public nuisance.

JURISDICTION:

This ordinance shall be applicable to all tradespersons, partnerships, firms or corporations engaging in the pumping, transportation and disposal of domestic septage from individual sewage treatment systems within the legal boundaries of Aitkin County.

DEFINITIONS:

- A. Board- shall mean the Aitkin County Board of Commissioners.
- B. County - Aitkin County, Minnesota.
- C. Domestic septage - Liquid or solid material removed from an individual sewage treatment system, septic tank, cesspool, portable toilet, type III marine sanitation device, holding tank or any similar system that receives only domestic septage. Domestic septage does not include Industrial wastes, Commercial wastes or wastes from grease traps.
- D. EPA - Environmental Protection Agency.
- E. Incorporation - means the mixing of domestic septage with the topsoil by means such as discing, moldboard plowing or chisel plowing, to a minimum depth of 6 inches. This must be done within six hours after application of domestic septage to the land surface.
- F. Individual sewage treatment system - a sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, which utilizes subsurface soil treatment and disposal.
- G. Injection - direct flow of domestic septage from the injector tank or injector vehicle into the soil. No significant amount of the domestic septage shall be present on the land surface within one hour after the domestic septage is injected.
- H. MPCA - Minnesota Pollution Control Agency.
- I. Non-Public contact site - sites that are not frequently visited by the general public. Non-public contact sites include agricultural land, forests, and reclamation sites.
- J. Shoreland - land located within the following distances of public waters: 1000 feet from the ordinary high water level of a lake, 300 feet from a river or stream, or the landward extent of a flood plain designated by the Federal Emergency Management Agency on a lake, river or stream which ever is greater.
- K. Solid Waste - garbage, refuse, sludge and discarded waste materials in solid, semi-solid, liquid or gaseous form, but does not include hazardous wastes.
- L. Tradesperson - any person, partnership, firm or corporation registered in the business of pumping, cleaning and disposing of septage from an individual sewage treatment system.

REGISTRATION:

It shall be unlawful for any tradesperson to clean and remove septage from an individual sewage treatment system within the unincorporated areas of Aitkin County or any municipality within Aitkin County unless duly registered as hereinafter provided:

- A. Each person engaged in the business of cleaning and removing septage from an individual sewage treatment system shall file an application for registration with the Zoning Administrator. The application shall contain the applicants:
 - 1. Full address
 - 2. Telephone number
 - 3. Business nameand any other information as the Zoning Administrator may require pertaining to this ordinance.
- B. Registration shall not be transferable.
- C. Registration shall run from January 1 to December 31 of each year.

- D. Applicant must submit proof of MPCA state licensure as a pumper.
- E. Any person operating as a tradesperson without valid registration shall be in violation.

VEHICLE IDENTIFICATION:

All trucks or other vehicles used to transport sewage from individual sewage treatment systems in Aitkin County shall have the business name lettered in at least 6" high letters on each side of the truck or other vehicle.

INSPECTIONS:

It shall be the duty of the tradesperson to provide access to the premises upon which an individual sewage treatment system exists or land area where domestic septage is disposed to give the Zoning Administrator or his agent free access to the premises at reasonable times for inspections, testing, or measurement as may be necessary to fulfill the requirements of this Ordinance. The Planning and Zoning Office shall make a reasonable attempt to contact the tradesperson prior to inspecting the property.

SEPTAGE DISPOSAL:

- A. Any tank vehicle or related apparatus used for removing and transporting domestic septage shall be maintained and operated in such a manner as to avoid emission of offensive odors, spilling or loss of any domestic septage, or the creation of any nuisance.
- B. Domestic septage removed from individual sewage treatment systems shall be disposed of in such a manner so as not to create a nuisance or a menace to public health.
- C. Solid waste from the domestic septage must be removed from the site and properly disposed of in accordance with Aitkin County's Solid Waste Ordinance.
- D. Domestic septage may be disposed of at a municipal sewage treatment system with approval by the municipality.
- E. Domestic septage may be disposed of on the soil under the following conditions.
 - 1. The site must be a non-public contact site.
 - 2. The land is zoned Open space or Farm residential. No land application is allowed within the Shoreland District.
 - 3. For the soils to be suitable it must meet the following requirements:
 - a. Have medium or fine surface textures, no sandy or peaty surface textures. Must have a surface permeability slower than 12 inches per hour (5 mpi).
 - b. Have a 3 foot separation to the watertable or bedrock.
 - c. Have 6 inches of available water holding capacity between the application depth and the watertable or bedrock.
 - d. Must be free from flooding hazards.
 - e. Have at least one horizon in the upper 5 feet that has a permeability of less than 6 inches per hour (10 mpi).
 - f. Have surface permeability faster than .2 inches per hour (300 mpi).
 - 4. Must comply with EPA 40 CFR Part 503 Rules and Regulations for pathogen reduction. See figure 1 and 2.
 - 5. Must comply with EPA 40 CFR Part 503 Rules and Regulations for vector attraction reduction. See figure 3.
 - 6. The maximum volume of domestic septage that may be applied to any site during a 365 day period shall be determined by the following equation:

$$AAR = N/0.0026$$

Where:

AAR = Annual application rate in gallons per acre per 365 day period.

N = Amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation grown on the land.

**For annual crop needs you can contact the Minnesota Agricultural Extension Office or the Aitkin County Agricultural Extension Office.

SETBACK REQUIREMENTS:

The following separation distances (in feet) shall be met when land applying domestic septage:

	<u>Surface Applied</u>	<u>Injected/Incorporated</u>
Occupied Building	300	150
Residential area	600	300
Recreational area	600	300
Commercial Develop.	600	300
Recreational trail	200	100
Municipal Well	1000	1000
Private Well	200	200
Property Line	25	25
Road ROW	50	25
Shoreland	not allowed	not allowed

Surface waters, drainage tile surface inlet, or sinkhole setback distances are as follows:

%Slope	May to October		November to April
	<u>Injected/Incorporated</u>	<u>Surface</u>	<u>Surface Applied</u>
0-2	150	300	600
2-6	300	600	not possible
6-12	300	not possible	not possible

SLOPE RESTRICTIONS:

	<u>Injected or incorporated</u>	<u>Surface applied</u>
Unfrozen soil	12% or less	6% or less
Frozen soil	not possible	2% or less

OTHER SITE RESTRICTIONS:

- A. To avoid the uninformed public from coming into contact with the soil/septage mixture, the application site must be fenced, posted, or at a remote location.
- B. Septage shall not be applied such that ponding or runoff occurs.
- C. Septage must not be applied to soils unless the soil has dried adequately from previous application or rainfall so that saturated soil conditions or ponding does not occur.
- D. Septage shall not be applied by spray irrigation or other methods which will cause aerosols to drift from the application site.

ANNUAL REPORTING:

When domestic septage is applied to the soil, the tradesperson must submit to the Zoning Administrator the following information:

- 1. The location of each site on which domestic septage is applied. This information shall include, the Parcel #; the Township, Range and Section numbers and property owners name.
- 2. Submit information on the soil types at the application site. This information must include a soil survey map. Soil borings, from an onsite investigation, may be submitted with the soil survey map. Soil boring log sheets must include soil types and depth to watertable or bedrock.
- 3.
- 3. Soil survey maps are not required for a one (1) time only application but tradesperson must comply with all other provisions of this Ordinance.
- 4. Annual report to be submitted by December 31 of each year.

ENFORCEMENT:

Whenever the Zoning Administrator has reason to believe that a violation of any provision of this regulation has occurred, he may cause written notice to be served upon the alleged violator or violators. The notice

shall either be personally delivered by the Zoning Office or served by mail to the last known address of the violator or violators. The notice shall specify the provision of the regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may order that the necessary corrective action be taken within a reasonable time. Any such notice shall become final unless, no later than ten (10) calendar days after the date such notice is served, the person or persons named therein request in writing a hearing before the Aitkin County Board of Commissioners.

HEARING:

Hearings provided for in this Ordinance shall be conducted by the Aitkin County Board of Commissioners at a time and place designated by it. Based upon the record of such hearing, the Aitkin County Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing.

SEVERABILITY CLAUSE:

Should any section, subsection, sentence, clause or phrase of this regulation be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this regulation in its entirety or any part thereof other than that so declared to be invalid.

ABROGATION AND GREATER RESTRICTIONS:

It is not intended by this ordinance to repeal, abrogate, or impair any existing 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.

PENALTY:

Any person who shall violate any provision of this regulation shall, upon conviction, be guilty of a misdemeanor. Each day a violation continues to exist shall constitute a separate offense.