**Department of Public
Health and Environment**

Lowell Johnson
Director

David Brummel
Deputy Director

Washington County

MEMORANDUM

Date: September 22, 2016

To: Kristina Handt, City of Lake Elmo Administrator

From: Girard Goder, Environmental Program Supervisor

Re: Consideration of Subsurface Sewage Treatment System Regulation Variances

Following up on previous communications, this letter will serve to elucidate which unit of local government shall consider and decide variance requests to subsurface sewage treatment system (SSTS) regulations in the City of Lake Elmo. As previously discussed, by December 31, 2016 the City of Lake Elmo must either 1) repeal its SSTS ordinance, in which case the county SSTS ordinance would take effect, or 2) adopt an updated ordinance which meets current standards established in Minnesota Rules Chapter 7082.

If the City chooses to adopt a current ordinance, the City could then Contract with the county to administer the City ordinance. This would include reviewing all installation and operating permit applications, issuing permits and conducting installation inspections as well as other associated functions. In this scenario, all variance requests would be considered by the City.

If the City chooses to repeal Section 51.002 of the city code, the Washington County Subsurface Sewage Treatment System ordinance would take effect within Lake Elmo. In this scenario, variance requests would be considered by the county, with the exception of variances for the setbacks and zoning requirements in the attached document, which would be considered by the city.

Cc: Lowell Johnson, Director of Washington County Public Health and Environment
       Jeff Travis, Senior Program Manager

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Setbacks Applicable to the Installation of a Subsurface Sewage Treatment System

Subsurface Sewage Treatment System Minimum Setback Distances (Feet)

Feature	Sewage Tank	Soil Treatment and Dispersal Area
Water supply wells less than 50 feet deep and not encountering at least 10 feet of impervious material	50	100
Any other water supply well or buried suction pipe	50	50
Buried pipe distributing water under pressure	10	10
Occupied buildings and buildings with basements or crawl spaces	10	20
Non-occupied structures, deck post footings	5	10
Property lines	10	10
Above ground and in-ground swimming pools	10	10
The Ordinary High Water Level (OHWL) of:		
Natural Environment Lakes	150	150
Recreational Development Lakes	75	75
General Development Lakes	75	75
Unclassified Body of Water	75	75
Transition Rivers/Streams	150	150
Tributary Rivers/Streams	150	150

Setbacks Applicable to the Sites Used for Land Spreading of Septage

To be approved as a site for land application of domestic septage, the following minimum requirements must be met:

    The site shall:

        Not be in a shoreland area;

Setbacks to Physical Features				
		Setback Distances in Feet		
		Surface Application	Incorporated within 48 hours	Injected
Private drinking water well		200		
Public drinking water well		1000		
Irrigation well		50	25	25
Occupied building (residences)		200	200	100
Residential developments		600	600	300
Commercial subdivision		600	600	300
Recreation area		600	600	300
Public contact sites		600	600	300
Property line		50	50	50
Road right-of-way		50	50	50
Down gradient lakes, rivers, streams, wetlands, intermittent streams, or tile inlets connected to these surface water features**, and sinkholes	Slope 0 % to 6 %	200	50	50
	Slope 6 % to 12 %	Not Allowed	100	100
	Winter (0 % to 2 %)	600	Not Applicable	Not Applicable
Grassed Water Ways	Slope 0 % to 6 %	100	33	33
	Slope 6 % to 12 %	Not Allowed	33	33
Shoreland Area		Not Allowed	Not Allowed	Not Allowed