

MINUTES
St. Louis County Board of Commissioners Septic Subcommittee
1st Floor Environmental Services Conference Room #118
Northland Office Building; 307 1st Street South
Virginia, Minnesota
July 23, 2013

Call to Order

Commissioner Keith Nelson called the meeting to order.

Members Present: Commissioner Mike Forsman, Commissioner Keith Nelson, Commissioner Steve Raukar, Commissioner Pete Stauber; **Others Present:** Ed Kerzinski, Terry Soderberg, Mark St. Lawrence, Ted Troolin, Karen Bruun - Environmental Services Department; Jim Nephew – Assistant County Attorney; Gretchen Sabel - Minnesota Pollution Control Agency (MPCA), Mark Drobac - citizen

Approval of Minutes

Upon motion by Commissioner Raukar and second by Commissioner Forsman the minutes of the May 24, 2012 Septic Subcommittee meeting were approved as presented.

Ongoing Business

Administrative update: Ted Troolin announced the retirement of Mike Kolb and stated that new/replacement septic activity remains at 2012 level, that point of sale activity has increased and liquor license review continues.

Budget: Terry Soderberg stated there was no large cost increases planned for Onsite Wastewater and that fees would remain at the 2012 level. Fees do not supplement the entire Onsite Wastewater program, they cover one-third of the program costs, remaining funding comes from the shoreland sale fund and the general levy.

Troolin informed the Subcommittee that Administration may propose a 3% increase to cover electronic permitting and credit card processing. Fees collected cover one-third of the ISTS program, Environmental Trust Fund covers a portion and the levy covers one-third.

Septic Grant and Loan Programs: Current status of 36 Imminent Threats to Public Health (ITPH), six are vacant/unoccupied properties, three properties have “permit to construct” issued, five have pending permits, seven or eight owe back taxes for a period of one-six years. The program, which the County contracts with AEOA to administer, received approximately \$180,000 from BWSR, \$131,000 from St. Louis County Housing Rehabilitation Agency (HRA), \$20,902 from the MPCA (one time fix up grant). Three septic upgrades were completed with grant funding, one each in the Duluth, Cotton and Ely areas. One system was funded by the homeowner, one funded through the AEOA grant and one funded through the septic loan program. Five additional upgrades were recently approved. Year round residences receive priority, property taxes must be current. Currently to receive funding as a grant, the property owner has to continue to own the property for five years before it can be sold, if sold prior to the five years; proceeds from the sale have to repay the grant program for the septic system. \$330,000 grant funds are still available for two years and the Department would like to also fund eligible properties that are in arrears on property taxes. Commissioner Nelson suggested as a temporary fix on ITPH seasonal properties, the existing septic tank can be used as a holding tank. Troolin suggested that Jim Nephew from the county attorney’s office be involved in enforcement language changes to the “draft” septic ordinance. Gretchen Sabel from the MPCA was introduced. The Department may look for MPCA for enforcement assistance. Currently seasonal properties are disqualified from loan or grant monies. The Department is to bring back, at the next meeting, status/progress of ITPH’s.

Shoreland Lease Lot Sale Program: Mark St. Lawrence informed the Subcommittee that the Department is working with the Land Department on septic evaluations for all leased properties that the county is putting up for sale in shoreland areas. Year 2012, as a pilot program, 15 White Face leases were evaluated; Year 2013, Section Fourteen Lake (27 leases), Long Lake (47 leases) will receive priority status. The County requires all lease lots being sold to have a septic evaluation, a survey and appraisal. Scott Smith, Land Department, has informed St. Lawrence that Floodwood Lake (16 leases) and Third

Lake (4 leases) were recently surveyed and has asked that efforts be shifted to these lakes. Commissioner Nelson mentioned that all of the proceeds from these leases will be put into the Environmental Trust Fund. Surveys and appraisal evaluations are contracted out, septic evaluations done by county staff.

Ordinance 55:

Ted Troolin, current Ordinance 55 is under review, in 2006-2007 the MPCA passed changes requiring counties to update their septic ordinances by 2010, extended until February 2014. county meets 7080 allowing some flexibility in the ordinance, county is less stringent in separation from ground water requirements, county to retain its compliant and non-compliant standards requiring upgrade less frequently as 7080 suggests, allow use of some drywells, maintain separation between the designer and installer, protect the counties long term financial and legal interest, will be sending to the county attorney's office for review. Ordinance is trying to keep septic systems affordable and allowing homeowners flexibility. Holding tanks change left open, whether to make available to year round. Improved compliance oversight, removed provisions more suited to land use ordinance and improved public outreach.

Additional discussion – Commissioner Nelson asked for support to move his highlighted ordinance draft forward, support received; Troolin would like a County Board workshop to review options on each change and advise the Department on implementation; 38 counties have adopted MPCA 7080; discussion regarding holding tanks and replacement areas followed; once in place the county ordinance can be more restrictive but not less restrictive than the MPCA 7080; proposed is the language that Commissioner Nelson sent to the Department as a starting point; Gretchen Sabel, MPCA, commented there has been mixed success in replacing a failing system onto the same location for a replacement area i.e. rock clogging in a rock bed. Having two sites for septic has reduced this problem. Other counties in Minnesota have required not a Type I system but a Type III system in this situation; St. Louis County currently allows this on property that has less than 1' of soil; while this does not meet the State code, it is looked at as equivalent because of the work St. Louis County has done in becoming a model for counties; two replacement sites have been into effect since the 1990's; Commissioner Raukar suggested both ordinance versions going forward, prior to moving forward he would like to see a matrix laying out the differences between draft ordinance versions which also would include the recommendations of the work group; will vote no so it shows on the record that there is not unanimous support on the department's total draft or the separate draft; Commissioner Forsman commented that moving a "draft" forward with or without recommendation is only that a "draft";

Commissioner Nelson made an amendment to his motion to include the draft that is submitted for full review includes Option A, no replacement area necessary and Option B replacement area necessary to allow this process to move forward. Recommendation that the draft ordinance be brought before the Board of Adjustment, Planning Commission, County Attorney and back to the Septic Subcommittee. St. Louis County's role is to enforce the septic ordinance.

Motion: Draft going forward with staff recommendations, Commissioner Nelson

Vote to move forward: Ayes 3 (Commissioner Forsman, Commissioner Nelson, Commissioner Stauber, Nays 1 (Commissioner Raukar)

Adjourn

Upon motion by Commissioner Stauber and second by Commissioner Raukar, the meeting was adjourned.