

6120.3400 SANITARY PROVISIONS.

Subpart 1. [Repealed, 13 SR 3029]

Subp. 2. **Water supply.** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

Subp. 3. **Sewage treatment.** Any premises used for human occupancy must be provided with an adequate method of sewage treatment.

A. Publicly owned sewer systems must be used where available.

B. All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically chapter 7080 for individual sewage treatment systems, and any applicable local government standards.

C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the following table:

Sewage Treatment System Setback Standards

Class	Setback from ordinary high water level (feet)
Natural environment	150
Recreational development	75
General development	50
Remote river segments	150
Forested river segments	100
Transition river segments	100
Agricultural river segments	75
Urban and tributary river segments	75

D. Local governments must develop and implement programs to identify and upgrade sewage treatment systems that are inconsistent with the sewage treatment system design criteria identified in item B, exclusive of the appropriate setback from the ordinary high water level in item C. These programs must require reconstruction of existing nonconforming sewage systems whenever a permit or variance of any type is required for

any improvement on, or use of, the property, and must include at least one of the following approaches:

(1) a systematic review of existing records to determine which systems in the jurisdiction are nonconforming and requiring reconstruction when practicable;

(2) a systematic on-site inspection program including all properties where adequate record of conformances does not exist, identifying nonconforming or illegal systems and requiring reconstruction when appropriate;

(3) a notification or education program that is oriented toward convincing substantial numbers of property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment system, if nonconforming; or

(4) other programs found to be acceptable to the commissioner.

Statutory Authority: *MS s 105.485*

History: *13 SR 3029*

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