



# Compliance Inspections for Existing Subsurface Sewage Treatment Systems

**T**his fact sheet provides information for homeowners and realtors on Compliance Inspections for existing Subsurface Sewage Treatment System (SSTS).

## What is a compliance inspection?

A compliance inspection is an evaluation, investigation, inspection or other such process conducted for the purpose of issuing a Certificate of Compliance (COC) or Notice of Non-compliance (NON).

## What are a COC and a NON?

The COC certifies a system is in compliance with state requirements at the time of the inspection. The COC does not guarantee future hydraulic performance, especially if the use changes or the flow increases over the amounts used by the current occupants.

For an existing SSTS, the COC is valid for three years from the date of issuance.

The NON gives notice a system fails to be in compliance with state requirements at the time of inspection. There are two types of failing designations, an Imminent Threat to Public Health or Safety and a Failing to Protect Ground water. The NON must also indicate the time frame for upgrade, repair, or replacement as set in the local ordinance.

Both documents must include a signed, certified statement stating the person conducting the inspection completed the work in accordance with applicable regulations.

## Is a disclosure the same as a compliance inspection?

No. A septic system disclosure is different than a compliance inspection. A disclosure describes, to the best of the property owner's knowledge, the location of a SSTS on the property and what condition it is in. A compliance inspection is conducted by a specifically trained and licensed individual to determine if the SSTS is in compliance with state regulations. A disclosure is *not* a compliance inspection and cannot be used as a substitute.

## When are compliance inspections required?

While state law does not require an inspection at property transfer, many Local Government Units (LGUs) have ordinances requiring this. LGUs are Counties, Townships, and Cities.

The LGU may also require a compliance inspection when complaints are received, as part of area surveys, or for lot splits. Compliance inspections can also be required upon request by the purchaser of a property, the mortgage lender, or real estate agent.

## Who can conduct a compliance inspection?

Compliance inspections must be conducted by:

- Minnesota Pollution Control Agency (MPCA)- Certified Inspector, Advanced Inspector, or Qualified Employees of a business with a MPCA Inspector or Advanced Inspector license; or
- State, county, city, or township employees with MPCA Inspector or Advanced Inspector registration.

## What forms must an inspector use?

The MPCA's Existing SSTS Compliance Inspection form must be used. Additional forms, if required by the LGU, may also be attached. The inspector must submit COCs or NONs to the system owner or owner's agent and the LGU within 15 business days after the date of inspection.

## What are the compliance criteria for an existing SSTS?

- must be protective of public health and safety
- must be protective of ground water
- must be operated, meet performance standards, and be managed according to its operating permit
- must meet vertical separation requirements applicable to the date the system was constructed, its location, or the facility it serves
  - if built after March 31, 1996, or in a shoreland area, well head protection area, or serving food, beverage, or lodging establishments (SWF), a three-foot vertical separation distance as measured outside the area of system influence in an area of similar soil is required

- the local ordinance may allow up to a 15 percent reduction in the vertical separation distance to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions
- if built before April 1, 1996, or in areas that are not SWF, a two vertical separation or a vertical separation distance as measured outside the area of system influence in an area of similar soil is required

## What is the upgrade time frame for a failing SSTS?

If the NON indicates the system is an Imminent Threat to Public Health or Safety, it must be upgraded, replaced, repaired or discontinued within ten months after the owner receives the notice, or within a shorter period if required by local ordinance.

If the NON indicates the system is Failing to Protect Ground water must be upgraded, replaced, repaired or discontinued within the time period established in the LGU ordinance.

## Where do I find more information?

For additional SSTS information, please visit our Web site at [www.pca.state.mn.us/programs/ists/](http://www.pca.state.mn.us/programs/ists/) or call us at 651-296-6300, or toll free at 800-657-3864, please ask for SSTS staff.