



Minnesota
Pollution
Control
Agency

Implementation of New Straight-Pipe System Law

Guidance for Local Governments Seeking MPCA Involvement in Correcting Straight-Pipe Discharges

Water Quality/Wastewater/Individual Sewage Treatment Systems/#2.38 • September 2006

This fact sheet provides guidance for local units of government seeking the Minnesota Pollution Control Agency's (MPCA) involvement in correcting straight-pipe discharges, as laid out in the Straight-pipe Act of 2006, Chapter 224. This act makes homeowners who do not correct straight-pipe discharges within 10 months of notification subject to penalties of \$500 per month for each month of subsequent noncompliance.

A straight-pipe system is a sewage disposal system that transports raw or partially settled sewage directly to a lake or stream, to a drainage system, or onto the ground.

Local units of government are the primary regulators for individual sewage treatment systems (ISTS) under Minnesota Statute section 115.55. Local governments have jurisdiction in dealing with sewage issues when an ISTS is the appropriate solution.

The straight-pipe law, added to section Minnesota Statute 115.55, permits local governments to seek an administrative penalty order (APO), issued by the MPCA, to encourage compliance with ISTS regulations.

New compliance process

When a qualified inspector issues a Notice of Noncompliance (NON), the homeowner

must replace the noncompliant sewage disposal system within ten months or face monthly penalties of \$500 for every month past the tenth month in which the system isn't upgraded. Any licensed, qualified employee inspector or Designer 1 may issue a NON, whether they work for a local government or are in private practice.

Inspectors must also distribute a copy of the NON to the local government and the MPCA. To reinforce that a particular local government is, in fact, the party responsible for seeking remedy of a straight-pipe, the MPCA may not initiate APO activities until specifically requested by the local government.

Timeline

1. Process begins

The compliance process begins when an inspector discovers a straight-pipe, and issues a NON to the homeowner (and sends copies to the local government and the MPCA). The local government then must order the upgrade. The order is to include:

- An order to upgrade;
- The timeframe for compliance; and
- Should include information on the availability of funding assistance for upgrades.

2. Months one through 10

After sending the NON, the local government waits for a response and/or compliance from the homeowner. If upgrades to the sewer system are made, the local government should notify MPCA (without this, the MPCA will not delete the record of noncompliance based on an inspectors' NON.)

3. After 10 months

After confirming that the straight-pipe discharge is still occurring, the local government would then send a request to the MPCA for action, including:

- Copies of letters sent to straight-pipe owner, and
- Clear proof of continuing noncompliance—for example, the current NON and pictures showing the discharge.

Purpose of the law

This law provides an additional tool for local governments in requiring upgrades. This is focused primarily on individual homes. However, the law is not limited to this and could be applied to community problems as well. The MPCA recognizes that community-based solutions require time. The MPCA maintains a practical, realistic approach, and in some cases may require that the community minimize discharges and move steadily toward solutions rather than moving to penalties.

Minimizing discharges may mean ceasing discharges by using tanks, such as holding tanks and pumping or some other means of minimizing discharge that is mutually agreeable to both MPCA and the local unit. In any case, piecemeal replacement of individual systems in communities may discourage a better, long-term solution.

How the law changed

Minnesota Statutes section 115.55, now includes the following:

“Subdivision 1. Definitions. ...

(q) "Straight-pipe system" means a sewage disposal system that transports raw or partially settled sewage directly to a lake, a stream, a drainage system, or ground surface.”

Subdivision 11. Straight-pipe systems; noncompliance. An inspector who discovers the existence of a straight-pipe system shall issue a noncompliance notice to the owner of the straight-

pipe system and forward a copy of the notice to the agency. The notice must state that the owner must replace or discontinue the use of the straight-pipe system within ten months of receiving the notice. If the owner does not replace or discontinue the use of the straight-pipe system within ten months after the notice was received, the owner of the straight-pipe system shall be subject to an administrative penalty of \$500 per month of noncompliance beyond the ten-month period. Administrative penalty orders may be issued for violations under this subdivision, as provided in section 116.072. One-half of the proceeds collected from an administrative penalty order issued for violating this subdivision shall be remitted to the local unit of government with jurisdiction over the noncompliant straight-pipe system.”

Fast facts

- Most straight pipe systems exist in communities with a population 1,000 or fewer
- There are approximately 60,000 straight-pipe septic systems in Minnesota
- According to an MPCA report (The 10-Year Plan to Upgrade and Maintain Minnesota's Onsite Treatment Systems, 2004), “a fully functioning septic system with adequate soil treatment can range from \$4,000 to as much as \$12,000, depending on design and location.” An average of \$7,000 for each residential straight pipe fix would cost about \$420,000,000 total.”

Additional resources

www.pca.state.mn.us/water/wastewater.html –

At the MPCA's Wastewater Program homepage, you'll find links to financial resources for wastewater treatment, planning checklists, wastewater permit documents and staff contact information.

<http://septic.umn.edu> –

Visit the Onsite Septic System Program at the University of Minnesota's Extension Service Water Resource Center. There, you'll find septic system information geared for small communities, homeowners and wastewater professionals.

Contact information

If you have further questions, please contact Gretchen Sabel at 651-296-7773, or by email at gretchen.sabel@pca.state.mn.us