

# Re-examine the County's Septic Systems System

## The COLA Call

by Ed Mutsch

In the previous column (10/06/07) we cited the appearance of Hubbard County's 8th Crow Wing Lake on the most recent MPCA (Minnesota Pollution Control Agency) biennial list of impaired waters, joining the previously listed 1st Crow Wing and Portage lakes. This dubious distinction entitles the lake to go on a long list of Minnesota lakes, all awaiting their turn at a MPCA-conducted TDML (Total Daily Maximum Load) study, a 2-4 year technical study undertaken to determine the source(s) of the impairment. Once the study is completed and approved by the EPA, a detailed remediation plan will be developed, then implemented when and if the requisite implementation funding is approved. It should be apparent from this description that the entire process is of such length that many of the 8th Crow Wing lakeshore property owners will be over and done with before the process is over and done with.

While it will be considerable time before data-based conclusions can be reached concerning the sources of the 8th Crow Wing Lake impairment, some lakeshore property owners and lake association leaders suspect that Individual Septic Treatment Systems (ISTS) may be the culprits responsible for excessive nutrients (i.e., phosphorus) in the lake. Such a suspicion is certainly not far fetched, given that Hubbard County ISTS owners are admonished, but not required, to conduct regular maintenance on such systems. There are requirements on owners to promptly repair or re-construct malfunctioning systems, but such malfunctions can continue for appreciable lengths of time before being detected or reported. The Environmental Services Office (ESO), charged with the responsibility to regulate ISTS and septage disposal in the county, has insufficient staff to regularly inspect the hundreds of septic systems under its jurisdiction.

No requirement for routine ISTS maintenance; insufficient ESO staff to conduct regular, timely ISTS inspections; accelerating lakeshore development in the county; three impaired county lakes, with others on the way to being classified as such [See Hubbard County 10-year lake water quality monitoring report at <http://www.rmbel.info/>. Click on database, then on publications.]. All these factors should serve as the impetus for an in-depth re-evaluation of county regulations of ISTS with a view to determining whether they should include strengthened ISTS requirements, increased inspection/enforcement resources, and/or more severe infraction penalties. Protection of our lakes-----of their aesthetic, recreational, and economic benefits-----cry out for all of these.

Two approaches to strengthened ISTS regulation in Hubbard County suggest themselves. The most straightforward approach would involve further strengthening the ISTS ground (no pun intended) rules, including a requirement for the documented regular pumping of septic systems, and the provision of adequate ESO resources to regularly inspect the systems and monitor the pumping requirement.

A more radical and arduous approach would involve the establishment of a county sanitary district in much the same manner as is being done in Crow Wing County. This approach would involve achieving a consensus on such an approach amongst the various political jurisdictions, city, county, and township. It would undoubtedly involve legislative meetings to ensure compatibility of the sanitary district with various state laws, and would ultimately require public hearings. The end result would be a self standing sanitary district, apart from the ESO office, that would handle all permitting, compliance, and inspection activities, and collect the associated fees. It would also necessitate a separate line on the tax statements of all ISTS owners.

Either of these strengthened approaches necessitate an increased expense to owners of properties with septic systems. Many will object to that, and the taxing authorities typically lend a sympathetic ear to such objections. Individuals hate added taxes; local government authorities hate levying them, while hating even more the need to justify to screaming taxpayers why they did it.

But before either ISTS owners or taxing authorities get too worked up over the prospect of a modest, additional annual fee as the price for protection of our precious lakes and rivers, they should pause to consider the enormous costs associated with the remediation of impaired lakes and who bears those costs. While those costs are less apparent because they do not appear on a specific statement with the property owners name at the top and, while the local taxing authorities can disclaim any responsibility for assessing those costs, those costs are far greater than the cumulative local taxes incurred to avoid the impairment in the first place would have been. There can be little doubt that the individual property owner's share also ends up being greater than his/her cumulative tax

burden would have been. To paraphrase an old adage, "An ounce of (local, tax-financed) prevention is worth a pound of (bureaucratic, higher governmental, tax-financed) cure".

Write to [ELMutsch@aol.com](mailto:ELMutsch@aol.com)

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