

CLEARWATER RIVER WATERSHED DISTRICT

RULES AND REGULATIONS

Section 1.0: AUTHORITY

These Rules and Regulations are adopted pursuant to Minnesota Statutes Section 103D.341 by the Board of Managers of the Clearwater River Watershed District to accomplish the purposes of the Minnesota Watershed Act and to implement the powers of the managers.

Section 2.0: DEFINITIONS

For the purposes of these Rules and Regulations, certain words and terms are herein defined as follows. In the absence of a definition, the definitions established for the State of Minnesota by case law shall apply.

Account shall mean a record of sewer services used by each property and the periodic costs for those sewer services.

Board or Board of Managers shall mean the five (5) duly appointed managers of the Clearwater River Watershed District.

Feedlot shall be a lot or buildings intended for the confined feeding, breeding, raising, or holding of animals.

Government Unit shall mean a federal, state, county, city, town, or other public body, agency, or political subdivision.

Permit shall mean the permit document issued by a Government Unit for the purpose of permitting the applicant or permit holder to perform work in the district.

Person shall mean any individual, firm, partnership, association, or corporation, but does not include public or political subdivisions or government subdivisions.

Plan shall mean information provided to allow for an informed decision including, but not limited to, a map, drawing, report, photograph, or any similar supportive exhibit for a proposed work project.

Sewer Rate Schedule shall mean a schedule of all sewer rates and charges set by resolution of the Watershed District.

Shoreland shall mean land located within the following distances from public waters:

- a. One thousand (1,000) feet from the normal high water mark of a lake, pond, or flowage.
- b. Three hundred (300) feet from a river or stream.

Typical Residential Wastewater shall mean the wastewater generated from a typical residential property (permanent or seasonal), which would include wastewater from bathrooms, kitchens, and laundry. This

wastewater does not include wastewater from other sources, such as sump pumps, geothermal units, gutters, or any other source not listed.

Waterbody shall mean any public water as determined by state laws and rules, and includes lakes, ponds, rivers, streams, drainage ways, and wetlands.

Watershed District shall mean the legally established agency named and referred to as the Clearwater River Watershed District, when the first letters are capitalized. When the word "district" appears without capitalization, it shall mean the lands contained within the boundary of the Government Unit, the Clearwater River Watershed District, as established by the Minnesota Board of Water and Soil Resources.

Watershed District Sewer System shall mean facilities owned or operated by the Watershed District, used for providing sanitary sewage collection and treatment service.

Shall and may, as used in these Rules and Regulations, shall be construed to indicate a mandatory and permissive state or condition, respectively.

Section 3.0: NOTIFICATIONS

PURPOSE. Watershed District review of proposed land disturbance is to limit pollution and sedimentation of surface waters; preserve groundwater recharge; prevent local and regional flooding; preserve wetland resources and their functions; promote the preservation and use of native vegetation for stormwater runoff abstraction, pollutant removal and habitat protection; provide potential assistance to Government Units to protect and improve water quality; and generally protect the beneficial public uses of surface and groundwater resources.

3.1 Prior to the issuance of any permit for the purpose of land alteration involving more than 100 cubic yards of soil within the district, except for county issued building or shoreland construction site permits, all Government Units are encouraged to provide the Watershed District for its review and comment, a copy of the permit application. Government Units are encouraged to submit a copy of the permit application at least 30 days prior to the date of decision on said permit application. Government Units are encouraged to consider the Watershed District comments when issuing the permit. The goal of this review is to assist Government Units with protecting and improving water quality, and the Watershed District may provide technical and financial assistance if warranted and/or requested.

3.2 All Government Units are encouraged to notify the Watershed District of plans or changes in surface water plans, drainage plans, and road or bridge work plans that may affect a waterbody of the district, and any other plans involving the water resources of the district. Government Units are encouraged to submit copies of plans and/or changes to the Watershed District for review and comment at least 30 days prior to approval of said changes. Government Units are encouraged to consider Watershed District comments during the planning process. The goal of this review is to assist Government Units with protecting and improving water quality, and the Watershed District may provide technical and financial assistance if warranted and/or requested.

3.3 All Government Units approving a new plat that includes land abutting any lake or stream within the district are encouraged to submit a copy of the plat to the Watershed District for its review and comment for the purpose of protecting the beds, banks, and shores of said lakes and streams from improper encroachment and for the purpose of preventing pollution and alleviating damage by stormwater runoff. Government Units are encouraged to submit a copy of the plat at least 30 days prior to the date of decision on said plat. Government Units are encouraged to consider the Watershed District comments when approving the plat. The goal of this review is to assist Government Units with protecting and improving water quality, and the Watershed District may provide technical and financial assistance if warranted and/or requested.

Section 4.0: POLLUTION CONTROL AND SEWAGE SYSTEM MANAGEMENT

PURPOSE. It is the responsibility of all to avoid actions that will pollute the waters within the district. Further, where the Watershed District has constructed or maintains a sanitary sewer system, it may impose terms of use in order to ensure that the system serves over its lifetime to perform the treatment for which it was designed, that the Watershed District does not incur undue maintenance costs, and that the cost to provide sanitary sewer service is borne fairly by those receiving the service. The reporting requirement of this section provides the Watershed District early warning of a release of pollutants into district waters. This will allow the Watershed District to notify and coordinate with responsible parties and other governmental agencies at the earliest time, in order to minimize the damage from such a release and the costs of responding to it.

4.1 POLLUTION PROHIBITED

No person shall pollute the waters of the district by placing or permitting to be placed or deposited in any of said waters, any sewage, industrial wastes, garbage, rubbish, or other waste, nor shall such placement or depositing be allowed upon any private or public land from which such wastes or contaminants may be carried into the waters of the district.

4.2 SEWAGE SYSTEMS

- a. All persons or Government Units owning or occupying property within the district shall comply with all state and local regulations regarding construction, operation, and maintenance of municipal or individual sewage treatment systems.
- b. All persons or Government Units owning or occupying property within the district for which sanitary sewer service has been made available by a Watershed District Sewer System shall comply with the listing below dictating what may be discharged to said Watershed District Sewer System.
 1. Only that which a Watershed District Sewer System was designed to collect and treat (specifically Typical Residential Wastewater) is allowed to be discharged to a Watershed District Sewer System.
 2. No discharge is allowed from any type of sump pump, geothermal unit, or any other source into a Watershed District Sewer System other than what is noted in item 1 above.
 3. Any property for which sanitary sewer service has been made available by a Watershed District Sewer System, if said property has a geothermal system producing a discharge, must provide documentation (either upon construction of said geothermal system or upon adoption of this rule) to the Watershed District verifying the location of the discharge, in order to demonstrate said geothermal system is not discharging to a

Watershed District Sewer System.

4. These chemicals and products are specifically prohibited from being discharged to a Watershed District Sewer System:
 - i. Adhesives (glue, rubber cement, epoxy resin, tile and carpet adhesive, linoleum paste, etc.)
 - ii. Aerosol containers of any kind
 - iii. Antifreeze
 - iv. Batteries (lead acid)
 - v. Cleaners, medications (prescription and over the counter), and cosmetics
 - vi. Feminine products
 - vii. Gasoline and motor oil
 - viii. Paint (oil and latex), including the washing of brushes, rollers, pans, etc.
 - ix. Pesticides and herbicides (ant and rodent killer, weed killer, garden dusting powder, etc.)
 - x. Plastics
 - xi. Solvents (paint thinner, paint stripper, degreaser, spot remover, alcohol, etc.)
 - xii. Towels and rags (of any size, cloth or paper, excluding toilet paper)
 - xiii. Wood preservatives
- c. All persons or Government Units owning or occupying property within the district for which sanitary sewer service has been made available by a Watershed District Sewer System shall have created for them an Account. All Accounts shall be carried in the name of the owner, or if the property is rental property, in the name of the renter. However, the property owner shall be liable for sewer services supplied to the property, whether or not the owner is occupying the property, and any unpaid charges shall be a lien upon the property.
- d. Sewer service charges shall be billed on one bill as applicable to each Account. All charges for sewer service shall be due upon receipt of the bill and considered delinquent after the twentieth day following the date of the billing. The billing date is defined as the first day of each calendar quarter. Interest will accrue at the rate of eight percent (8.0%), retroactive to the billing date, for all Accounts in a delinquent status. Delinquent status is defined as all amounts remaining unpaid twenty days after the billing date. A late fee of ten dollars (\$10) will be added to any Account's bill when said bill becomes delinquent, and the late fee will reoccur for each billing period as defined by the Sewer Rate Schedule until the delinquent bill is paid or is certified to the county. All bills shall contain the address and telephone number of the person in charge of billing. The address and telephone number shall be clearly visible and easily readable. Bills shall be mailed to the customers on or before the fifth day of January, April, July, and October of each year and specify the sewer service charges, in accordance with the current Sewer Rate Schedule set by resolution of the Board of Managers.
- e. The Sewer Rate Schedule shall be adopted periodically by resolution of the Board of Managers.
- f. The Board of Managers resolution setting out the Sewer Rate Schedule shall also establish the date for certifying delinquent Accounts to the county in which the property is located. At least one certification date shall be timed each year to coincide with the requirements of the county in which the property is located for certification to the following year's taxes. Additional certification dates may be set in the Sewer Rate Schedule resolution. Any Account, unless exempt for other legal reasons, which has been sent a bill and which is now delinquent and remains unpaid as of the certification date, shall have the balance on the Account included in a preliminary certification list. Eight percent (8.0%) interest calculated from the billing date and the late fee charge shall be added to the amount certified to the county.

- g. Unpaid charges on Accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid, including interest and late fees, shall be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the owner may before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid charges.
- h. The owner of the property shall have the option of paying the balance due on the Account until and during the certification hearing; however, all accrued interest and late fees must be paid.
- i. A hearing shall be held on the matter by the Board of Managers. Property owners with unpaid sewer charges shall have the opportunity to object to the certification of the unpaid charges to be collected as taxes are collected. If, after the hearing, the Board of Managers finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges shall not be certified for collection with taxes in accordance with this rule, the Watershed District may certify the unpaid charges to the county auditor for collection as other taxes are collected.
- j. For each certification sustained, the property owner shall have the following options after the hearing:
 1. To pay the delinquent amount with accrued interest and late fees from the day of the hearing until the county certification deadline.
 2. To pay the certified charges as billed to them by the county in which the property is located, on their property tax statement with a collection term of one year.

4.3 REPORTING OF POLLUTION

Any person or Government Unit responsible for or having knowledge of any spills of untreated sewage, flooding of sewage systems or lift stations, spillage of petrochemicals or other hazardous wastes, flooding of fertilizers, stockpiles, manure heaps, feedlots, massive erosion of lands, or other events which introduce pollutive contaminants into the surface and ground waters of the district shall report it to the Watershed District. The reporting of such an event to the Watershed District shall not relieve the person or Government Unit from making any other report required by law.

Section 5.0: ENFORCEMENT POWERS OF MANAGERS

Pursuant to the Minnesota Watershed Act, every rule and regulation adopted by the Board of Managers shall have the full force and effect of law. Any provision of these Rules and Regulations or any order or stipulation agreement made by the Board of Managers of this Watershed District may be enforced pursuant to Sections 103D.545 and 103D.551 of the Minnesota Statutes, or other appropriate action.

Section 6.0: SEVERABILITY

Should a court of proper jurisdiction declare any section, clause, phrase, or condition of these Rules and Regulations invalid, the same shall not affect the validity of these Rules and Regulations as a whole or any other part thereof other than the part declared invalid.

As adopted in 1999 and amended in 2003, 2005, 2014, and 2015.