

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

Account shall mean a record associated with a person or Government Unit owning or occupying improved or buildable property for which a Watershed District Sewer System is available and that is not exempt.

Available shall mean:

- a) physically connected to a principal structure;
- b) readily susceptible to use by means of an existing system connection stub; or
- c) susceptible to use by a formerly non-buildable parcel that has become buildable, or a new buildable parcel resulting from a subdivision or lot split, in each case after formal Watershed District notice to the property owner that there is System capacity to serve the parcel and that a connection can be provided.

Buildable shall mean that the laws and ordinances of the land use authority allow for a principal residential structure to be located on the parcel.

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

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.
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. These chemicals and products are specifically prohibited from being discharged to a Watershed District Sewer System:
 1. Adhesives (glue, rubber cement, epoxy resin, tile and carpet adhesive, linoleum paste, etc.)
 2. Aerosol containers of any kind
 3. Antifreeze
 4. Batteries (lead acid)
 5. Cleaners, medications (prescription and over the counter), and cosmetics
 6. Feminine products
 7. Gasoline and motor oil
 8. Paint (oil and latex), including the washing of brushes, rollers, pans, etc.
 9. Pesticides and herbicides (ant and rodent killer, weed killer, garden dusting powder, etc.)
 10. Plastics
 11. Solvents (paint thinner, paint stripper, degreaser, spot remover, alcohol, etc.)

- 12. Towels and rags (of any size, cloth or paper, excluding toilet paper)
- 13. Wood preservatives

- c. All persons or Government Units owning or occupying improved or buildable property within the district for which Watershed District Sewer System service is available 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 service charges to the property, whether or not the owner is occupying the property, and any unpaid charges shall be a lien upon the property.
- d. An improved or buildable parcel for which a System is available is exempt from charges under any of the following circumstances:
 - i. The parcel is buildable, but the owner provides a written statement by a responsible official of the land use authority or the State of Minnesota that the parcel is considered to be not buildable.
 - ii. The parcel is unimproved but buildable, but is legally combined with one or more parcels and the effect of its combination is that the number of legally buildable parcels for the combined land is reduced by one.
 - iii. The parcel is improved, but it is legally combined with one or more parcels, the land use authority no longer permits an inhabitable primary structure on the parcel, and the existing structure is physically disconnected from the system.

A parcel owner who seeks to eliminate an Account must supply the documentation to support the request. On receipt of adequate documentation, the Watershed District administrator will present the matter to the Board of Managers for consideration. The administrator may independently review and seek to verify the submitted documentation and, at any time, may independently examine and recommend adjustment of Account status under this policy.

On approval by the Board of Managers, Account status will be adjusted accordingly, effective as to all prospective charges. Past due amounts will not be forgiven, nor will the Watershed District reimburse previously collected fees or other collections such as interest charges or penalties.

- e. The Sewer Rate Schedule is adopted periodically for each Watershed District Sewer System by order of the Board of Managers. It sets the annual charge for each Account by allocating the annual operation and maintenance budget. In accordance with the authorizing law for the charge system, an Account owner may appeal a charge under Minnesota Statutes §103D.535 by filing a notice with the district court or the Minnesota Board of Water and Soil Resources within 30 days of the date of the order.
- f. [formerly 4.2.d] Sewer service charges shall be billed on one bill as applicable to each Account. 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. 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 on a delinquent Account will accrue at the maximum rate permitted by Minnesota Statutes §444.075, subdivision 2a(b).

- g. [formerly 4.2.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, including interest, included in a preliminary certification list.
- h. [formerly 4.2.g and 4.2.h] Unpaid charges on Accounts shall not be certified to the county auditor until notice and an opportunity to be heard by the Board of Managers 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, shall be certified to the county auditor for collection as other taxes are collected, and with such interest and penalties as are provided for by law. The notice shall also state that the owner, before such certification date, may be heard by the Board of Managers as to the certification of unpaid charges. The owner of the property shall have the option of paying the balance due on the Account until and during the Board's consideration of certification; however, all accrued interest must be paid.
- i. 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. Matters relating to the charges that have become final by failure to appeal under paragraph 4.2.e, above, will not be considered under this paragraph. If, after consideration, or if the owner has not timely requested consideration, 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:

- i. To pay the delinquent amount, with additional accrued interest from the day of the Board of Managers determination.
- ii. To pay the certified charges, including interest and penalties, 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

Section 5.0

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. The Watershed District may enforce any provision of these Rules and Regulations or any order or stipulation agreement made by the Board of Managers pursuant to Sections 103D.545 and 103D.551 of the Minnesota Statutes, or by other appropriate action.