



Department of Public Health and Environment

Lowell Johnson
Director

Dave Brummel
Deputy Director

March 22, 2016

CERTIFIED MAIL
GEO Code 17-029-20-41-0002

Ronald Schouveller
3340 Oakgreen Avenue N
Stillwater, MN 55082

NOTICE OF A PUBLIC HEALTH NUISANCE

On March 22, 2016, you contacted the Department regarding the subsurface sewage treatment system (SSTS) at 3340 Oakgreen Avenue North in Baytown Township, Minnesota, GEO Code 17-029-20-41-0002. During the telephone conversation, you indicated that the system is an imminent threat to public health & safety due to surface discharge of septic tank effluent on the property. On March 22, 2016, the Department conducted a site visit and verified that the SSTS is indeed discharging to the surface on the north side of the property.

The surface discharge of septic tank effluent is in violation of both Section 4.3 of the Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations (Washington County Ordinance #196) and Section 4.2 (8) of the Washington County Public Health Nuisance Ordinance #165.

Section 4.3 of the Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations (Washington County Ordinance #196) states:

- (1) *The SSTS must be protective of public health and safety. A system that is not protective is considered an imminent threat to public health or safety. At a minimum, a system that is an imminent threat to public health or safety is a cesspool, seepage pit, drywell or leaching pit, a system with discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers. A determination of protectiveness for other conditions must be made by a qualified employee of the Department or licensed inspection business.*
- (7) *An existing system which is found to be an imminent threat to public health and safety by either a qualified employees of the Department, local unit of government, or a licensed inspection business, is hereby declared to be a public health nuisance and shall be repaired, upgraded, replaced or its use discontinued within ninety (90) days of notice and order to comply by the Department. Any further discharge of effluent must be stopped immediately (by such methods as reducing or stopping all water use or pumping the tank as necessary) until such time as the system is corrected.*

Section 4.2 (8) of the Public Health Nuisance Ordinance states:

The following are hereby expressly declared to be Public Health Hazards or Public Health Nuisances, without limitation by reason of such enumeration:

4.2 (8) Causing or allowing improper sewage disposal facilities to be operated, or causing or allowing the effluent from any cesspool, septic tank, drainfield or sewage disposal system to discharge upon the surface of the ground or into any body of water.

Given the above observations, a public health nuisance, as defined in Washington County Ordinance #196 and Washington County Ordinance #165, exists at 3340 Oakgreen Avenue North and Ronald Schouveller is hereby ordered to abate the public health nuisance according to the attached ABATEMENT ORDER.

Failure to comply with the ORDER may result in this Department taking further enforcement action. The Department may enforce Section 6.10 of Washington County Public Health Nuisance Ordinance, which states in pertinent part:

6.10. Pursuant to Minnesota Statutes section 145A.04, subd. 8, if the Owner or Occupant fails or neglects to comply with the requirement in the notice provided under Section 6.6 of this Ordinance, then the Health Authority shall remove or abate the public health hazard/public health nuisance described in the notice from the property. The Health Authority will recoup such costs as necessary to abate the Public Health Hazard/Public Health Nuisance as provided in Section 8.

In addition, if the County takes action under Section 6.10 to abate the Public Health Nuisance, the County will pursue reimbursement of the costs incurred for this enforcement action pursuant to Section 8.1 which states in pertinent part:

8.1. If the County is required to remove or abate a Public Health Hazard/Public Health Nuisance, the County may recover the costs incurred in removal or abatement in a civil action; or at the discretion of the County Board, the cost of an enforcement action under this Ordinance may be assessed and charged against the real property on which the Public Health Nuisance was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

If you have further questions regarding this NOTICE or the ABATEMENT ORDER, please contact Chris LeClair, Sr. Environmental Specialist, at 651-430-4052.

Sincerely,



Lowell Johnson, Director
Washington County Department of Public Health & Environment

c: Girard Goder, Environmental Program Supervisor
Susan Tice, Attorney, Washington County

ORDER TO ABATE A PUBLIC HEALTH NUISANCE

TO: Ronald Schouveller
3340 Oakgreen Avenue N
Stillwater, MN 55082

Pursuant to authority granted in Washington County Public Nuisance Ordinance #165, be advised that the Washington County Department of Public Health & Environment has reason to believe that a public health nuisance exists at 3340 Oakgreen Avenue North in Baytown Township, Minnesota.

To wit:

Including, but not limited to:

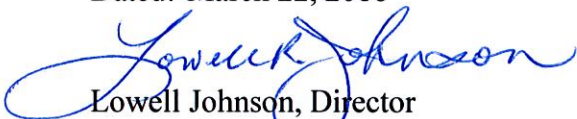
Septic tank effluent discharging to ground surface.

And Ronald Schouveller is hereby ordered to abate the nuisance as follows:

1. Immediately prevent the further discharge of effluent to surface by reducing or stopping the usage of water or pumping the tank at a frequency to prevent any discharge into the system.
2. Within 7 days, provide the Department with a contract between the establishment and a licensed SSTS pumping contractor to provide pumping services at a frequency necessary to prevent further surface discharge;
3. Repair, upgrade, replace or discontinue using the SSTS within 90 calendar days of receipt of this notice.

The above orders must be completed within the timeframe establishment with each abatement order.

Dated: March 22, 2016



Lowell Johnson, Director

Washington County Department of Public Health & Environment

