

DEPARTMENT: POLLUTION CONTROL AGENCY

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STATE OF MINNESOTA

Office Memorandum

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SUBJECT: MSTs Ownership Guidance

A midsized subsurface sewage treatment system (MSTS) is a sewage treatment system that serves 4 or more dwellings, other establishments with an average flow of 2,500 gallons or more per day, or a combination of other establishments and dwellings with an average daily flow of 2,500 gallons per day, with the sewage flow from any of the above being no greater than 10,000 gallons per day.

An MSTS may be owned by a sole individual, a group of individuals, a private management entity, or be publicly held. The owner or owners are responsible for operation, maintenance, repairs, replacement, and compliance. A certification of financial viability including a copy of the title to all MSTS physical assets and the method by which the system operation, maintenance, repairs, and replacement will be financed is required. Compliance, title information, and method of financing should be monitored under the operating permit.

A legal and responsible entity is required to when there are multiple property owners involved. This entity can be subordinate service district, water quality cooperative, sanitary district, water and sewer district, joint exercise of powers association, part of a city via incorporation or annexation, city special service district, or lake or homeowners association (homeowners association only if they opt into the Minnesota Common Interest Ownership Act.) The attached University of Minnesota document "Introduction to Organizational Structures..." provides information on many of these ownership options.

Ownership requires a high level of oversight of the system. Proper ownership results in reduction of noncompliance, proper maintenance, effective planning and education of the homeowners. Ownership offers the greatest protection of environmental resources and homeowner investment.

The local unit of government handles transfer of ownership. The owner is required to have money available for a minimum of one year after ownership is transferred to allow for proper operation and maintenance of the system. Transfer of ownership should be done in a legally binding manner.

Attachment: "Introduction to Organizational Structures..."
(found at <http://septic.umn.edu/scwep/organizational/pdfs/060818osmatrix.pdf>)