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DNR cites lake home for septic violations

By Jerry L. Carter

It has been a common practice. Midnight pumps or others with blatant sewage system problems.

In days past it used to be a complex route to get these people to upgrade their sewage systems and stop illegal dumping of raw sewage. Citizens who reported these people got disheartened at the slow process — but not anymore.



The Minnesota Department of Natural Resources Enforcement Division has joined ranks with the Wright County Planning and Zoning Department to start citing blatant septic violations and getting personal septic systems updated within 60 days of when a ticket is written.

"We have completed our first test case and it really went smooth," said DNR Conservation Officer Jim Smith. "Under DNR laws it is unlawful to endanger fish and wildlife by contaminating public water. I will write a citation

for the offense and with county guidelines the homeowner will have 45 days after they appear in court to get their system upgraded."

Because the DNR has the authority to write citations the process is greatly speeded up.

Smith recently cited Russel E. Conolley, of Mink Lake, with allowing untreated sewage to enter public waters, a misdemeanor.

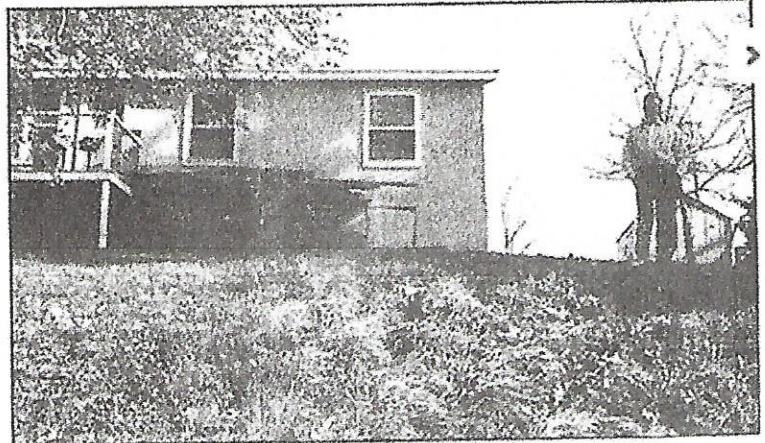
Conolley pled guilty to the charges and was sentenced to 60 days in jail, a \$700 fine and 45 days to get the appropriate permits and complete the repairs to the septic system. The jail sentence and the \$500 fine were stayed on the stipulation of a one-year supervised probation.

"When I was in the court room, people cheered when they heard the sentencing," Smith said. "People are fed up with septic violations. I really got a lot of pats on the back that day."

Conolley had purchased his cabin on Mink Lake two years ago, knowing it had a sewage problem, but he did not take steps to correct it, he told Smith.

Mink Lake is located approximately five miles north of the city of Maple Lake.

The house is located on the shore of Mink Lake atop a 25 to 30 foot high bank and about 75 feet back from the lake, Smith's report states. Between the house and the lake was a hole and a small wash gully leading from the hole to the



Russel E. Conolley of Mink Lake, was recently charged with allowing untreated sewage to enter public waters, a misdemeanor. Conolley is pictured here with the gully of raw sewage that has formed from his failing septic system.

lake.

Smith said there was raw sewage in the hole and the gully.

"When an offense is as blatant as this, it is

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easy to use state statutes and then use county ordinances to have the problem fixed," Smith said.

Smith said that he gets approximately 100 complaints a year about failing septic systems.

"In order for me to write a citation, the offenses have to be physically and visually apparent," Smith said. "I cannot cite anyone under suspicion and I don't have the tests to prove contamination unless it is visually apparent."

Willie Gibbs, environmental health officer at the county, said this is just the beginning for blatant violations.

"Jim (Smith) has really been great during all of this," Gibbs said. "He has really shown an interest in improving septic systems around lakes."

The septic citations also tie in with the state's recent efforts to enforce feedlot violations.

"We hear from farmers that we are not doing enough to enforce septic violations and we hear from citizens that we don't do enough to enforce feedlots," Smith said. "Now we are targeting both."

With the old system, Gibbs had to write a warning and then a second and finally seek litigation if a offense was not improved.

"It used to take a long-time, but now blatant violations are fixed in two months," Gibbs said. "The fine is pretty irrelevant, but making people find funding and someone to put in a sewage system in a short time will be a real burden on violators."

Gibbs said that people who have failing systems should consider looking into

having them fixed before they are cited.

"If we see that they are taking steps to get the problem corrected they will not be cited and we will be more flexible on how long it will take to get the system fixed or replaced," Gibbs said. "If they are ignoring the problem, Jim will cite them and they will have 60 days to get things up to code."

Gibbs said that he sees about 50 septic systems a year that are in need of improvements and suspects the actual numbers of failing systems are much larger than what he sees.

"If anyone knows of a blatant violation they should call me or Jim," Gibbs said.

During the week Gibbs can be reached at 682-7335 and Jim Smith can be reached at 236-2210.