

## CHAPTER 23

### PRIVATE SEWAGE DISPOSAL SYSTEMS

#### SEC. 23-2 DEFINITIONS

**“Approved Contractor” means a contractor certified by the National Environmental Health Association (NEHA) or the Iowa Onsite Wastewater Association (IOWWA) as a Certified Installer of Onsite Wastewater Systems (CIOWTS) at either Basic or Advanced Levels. A contractor with an equivalent certification or license from another state is acceptable with the approval of the health officer.**

“Liquid wastes” means the discharges from any fixture, appliances, area, or appurtenance.

#### SEC. 23-5 PERMITS REQUIRED

**C. Approved contractors. By July 1, 2014, all private sewage systems in Scott County shall be installed by a contractor approved by the health officer. Contractors seeking approval must submit one of the following documents:**

- 1. Proof of current certification by the National Environmental Health Association (NEHA) as a Certified Installer of Onsite Wastewater Systems (CIOWTS), either basic or advanced levels.**
- 2. Proof of current certification by the Iowa Onsite Wastewater Association (IOWWA) as a Certified Installer of Onsite Wastewater Systems (CIOWTS), either basic or advanced levels.**
- 3. Proof of current, equivalent licensure or certification from another state. This must be approved by the health officer.**

#### SEC. 23-6 FEES

- A. The fee for a permit to construct or reconstruct a private sewage disposal system shall be payable to the Scott County Treasurer at the time of application.
1. **\$210.00** for a permit to construct a private sewage disposal system.
  2. **\$95.00** for a permit to install or replace pipes, septic tanks, or distribution box.
  3. \$40.00 for an annual operational permit for an inspection and sample.
  4. \$50.00 administrative fee for an annual operational permit which is delinquent and a municipal infraction is served on the owner for payment.
  5. **\$80.00** for a septic tank abandonment permit.
  6. \$260.00 for a time of transfer inspection effective upon enactment.
  7. Investigation fee. Whenever any work for which a permit is required by this Chapter has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee of **\$300.00**, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of an investigation fee shall not exempt any person

from compliance with all other provisions of this Chapter nor from any penalty prescribed by law.

SEC. 23-9                    TIME OF TRANSFER INSPECTIONS

A. Upon enactment by the Iowa Department of Natural Resources any transfer of ownership of a building where a person resides, congregates, or is employed that is served by a private sewage disposal system, the sewage disposal system serving the building shall be inspected. In the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer shall execute and submit a binding acknowledgment with the county Board of Health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. **In the event that all parties agree the existing private sewage disposal system will not pass inspection, the buyer may forego the inspection and execute a binding agreement with the local board of health to install a private sewage disposal system compliant with this ordinance at a time specified by the health officer. The inspection requirement applies to all types of ownership transfers not specifically exempted, including when a seller-financed real estate contract is signed.**

1. **Inspection exemptions. The following types of real estate transactions are exempt from the inspection requirements. However, the discharge restrictions in Section 23-3 shall always apply.**

- a. **A transfer made pursuant to a court order, including but not limited to a transfer under Iowa Code chapter 633 or 633A, the execution of judgment, the foreclosure of a real estate mortgage pursuant to Iowa Code chapter 654, the forfeiture of a real estate contract under Iowa Code chapter 656, a transfer by a trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.**
- b. **A transfer to a mortgagee by a mortgagor or successor in interest who is in default, a transfer by a mortgage who has acquired real property as a result of a deed in lieu of foreclosure or has acquired real property under Iowa Code chapter 654 or 655A, or a transfer back to a mortgagor exercising a right of first refusal pursuant to Iowa Code section 654.16A.**
- c. **A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.**
- d. **A transfer between joint tenants or tenants in common.**
- e. **A transfer made to a spouse or to a person in the lineal line of consanguinity of a person making the transfer.**
- f. **A transfer between spouses resulting from a decree of dissolution of marriage, a decree of legal separation, or a property settlement agreement which is incidental to the decree, including a decree ordered pursuant to Iowa Code chapter 598.**
- g. **A transfer in which the transferee intends to demolish or raze the**



- Department of Natural Resources, 502 E. 9<sup>th</sup> St., Des Moines, Iowa 50319-0034. An application for examination must be received by the department at least **30 days** prior to the date of the examination.
3. Application evaluation. The director may designate department personnel or an experience review committee to evaluate all applications for examination. A notification of the application review decision will be sent to the applicant prior to the examination date. The applicant shall have the right to dispute the application evaluation.
  4. Certification. Applicants who successfully meet the department's requirements will receive a written certification from the department. The department shall maintain a current listing of certified time of transfer inspectors. The list shall be available on the department's Web site and shall be provided to county boards of health and other interested parties.
  5. Fees. The following nonrefundable fees apply:
    - a. Examination fee. The fee for each examination shall be \$50.
    - b. Certification fee. The fee for inspector certification shall be \$75 for each one-half year of a two-year period from the date of issuance of the certification to June 30 of the next even-numbered year.
    - c. Certification renewal fee. The fee for certification renewal shall be \$300 for the two-year period.
    - d. Renewal period. All certificates shall expire on June 30 of even-numbered years and must be renewed every two years in order to maintain certification.
    - e. Renewal rights. Inspectors seeking renewal more than 45 days following expiration of the certificate shall lose the right for renewal under the normal renewal process and must retake the inspector class and test to become recertified.
- C. Continuing education.
1. CEU requirements. Continuing education units (CEUs) must be earned during each two-year period from April 1 of the even-numbered year until March 30 of the next even-numbered year. A certified inspector must earn 1.2 CEUs or 12 contact hours during each two-year period. Newly certified time of transfer inspectors (previously uncertified) who become certified after April 1 of a two-year period will not be required to earn CEU's until the next two-year period.
  2. CEU approval. All activities for which CEU credit will be granted must be approved by an accredited college or university, an issuing agency, or the department and shall be related to private sewage disposal systems.
  3. CEU reporting. It is the personal responsibility of the certified inspector to maintain a written record of and to notify the department of the CEUs earned during the period. The CEUs earned during the period shall be shown on the application for renewal.
- D. Certificate renewal.
1. Certification period. All certificates shall expire on June 30 of even-numbered years and must be renewed every two years in order to stay effective.
  2. Application for renewal. Renewal applications shall be submitted 60 days before the expiration date of the current certificate. Late applications or incomplete applications may lead to revocation of the certificate. Renewal of certificates will only be granted

- to inspectors in good standing.
3. CEUs. Only those certified inspectors fulfilling the continuing education requirements before the end of each two-year period (**March 31**) will be allowed to renew their certificates. The certificates of inspectors not fulfilling the continuing education requirements shall expire on June 30 of the even-numbered year.
  4. **Renewal fee. A renewal fee in the amount of \$300 must accompany the renewal application in order for the inspector to renew the certificate. Failure to submit the renewal fee on time may lead to revocation of the certificate.**
- E. Obligations of certified inspectors.
1. Certified inspectors shall conduct time of transfer inspections according to this rule.
  2. Following an inspection, the inspection form and any attachments shall be provided to the **county environmental** health department for enforcement of any follow-up mandatory improvements to the system, to the department for record, and to the county recorder's office.
- F. Disciplinary actions.
1. Reasons for disciplinary action. The department may take disciplinary action against a certified time of transfer inspector on any of the grounds specified in Iowa Code section 455B.219 and the following more specific grounds.
    - a. Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified time of transfer inspector.
    - b. Failure to submit required records of inspection or other reports required under applicable permits or rules of the department, including failure to submit complete records or reports.
    - c. Knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.
    - d. Fraud in procuring a license.
    - e. Professional incompetence.
    - f. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the **certified inspector's** profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
    - g. Habitual intoxication or addiction to the use of drugs.
    - h. Conviction of a felony related to the profession or occupation of the certified inspector. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
    - i. Fraud in representations as to skill or ability.
    - j. Use of untruthful or improbable statements in advertisements.
    - k. Willful or repeated violations of the provisions of Iowa Code 455B, division III.
  2. Disciplinary sanctions. Disciplinary sanctions by the department may include the following:
    - a. Revocation of a certificate. Revocation may be permanent without chance of recertification or for a specified period of time.
    - b. Partial revocation or suspension. Revocation or suspension of the practice of

a particular aspect of the inspection of private sewage disposal systems **may be imposed.**

- c. Probation. Probation under specified conditions relevant to the specific grounds for disciplinary action may be imposed.
- d. Additional education, training, and examination requirements. Additional education, training, and reexamination may be required as a condition of reinstatement.
- e. Penalties. Civil penalties not to exceed \$1,000 may be assessed for causes identified in Iowa Administrative Code (IAC) 69.2(6) “a” through the issuance of an Administrative Order.

**G. Procedure.**

- 1. Initiation of disciplinary action. The department staff shall initiate a disciplinary action by conducting such lawful investigation as is necessary to establish a legal and factual basis for action. Written notice shall be given to a certified inspector against whom disciplinary action is being considered. The notice shall provide the certified inspector with 20 days to present any relevant facts and to indicate the certified inspector’s position in the matter.
- 2. A certified inspector’s failure to communicate facts and positions relevant to the disciplinary investigation by the required date may be considered when determining appropriate disciplinary action.
- 3. If an agreement as to appropriate disciplinary action, if any, can be reached between the department and the certified inspector, a written stipulation and settlement shall be entered into. The stipulation and settlement shall recite the basic facts and violations alleged, any facts established by the operator, and the reasons for the particular sanction imposed.
- 4. If an agreement as to appropriate disciplinary action can not be reached, the department may initiate formal contested case procedures through the issuance of a letter imposing such disciplinary sanctions as the department has deemed appropriate. Service shall be provided by certified mail.
- 5. A certified inspector may appeal any disciplinary sanction imposed by the department by filing a notice of appeal with the director within 30 days of receipt of notice. If an appeal is filed by the certified inspector, contested case proceedings shall be initiated by the department in accordance with 567—Chapter 7 and Chapter 17A of the Code of Iowa.
- 6. Reinstatement of revoked certificates. Upon revocation of a certificate, application for certification may be allowed after two years from the date of revocation unless otherwise specified in accordance **IAC 69.2(6) “b”**. Any such applicant must meet all education and experience eligibility requirements pursuant to **IAC 69.2(2)**., and successfully complete an examination and be certified in the same manner as a new applicant.

- H. Procedures for noncompliance with child support order procedures.** Upon receipt of a certification of noncompliance with a child support obligation as provided in Iowa Code section 252J.7, the department will initiate procedures to deny an application for certification or renewal, or to suspend a certification in accordance with Iowa Code section 252J.8(4). The department shall issue to the person by restricted certified mail a notice of its intent to deny or suspend time of transfer inspector certification based on

receipt of a certificate of noncompliance. The suspension or denial shall be effective 30 days after receipt of the notice unless the person provides the department with a withdrawal of the certificate of noncompliance from the child support recovery unit as provided in Iowa Code section 252J.8(4)“c.” Pursuant to Iowa Code section 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action under this subrule but may seek a hearing in district court in accordance with Iowa Code section 252J.9.

- I. Inspection procedures. Inspections shall be conducted as follows:
  1. Inspection form. The inspection shall be conducted using Iowa Department of Natural Resources Form 542-0191, Time of Transfer Inspection Report.
  2. Record search. Prior to an inspection, the certified inspector shall contact the administrative authority to obtain any permits, as-built drawings or other information that may be available concerning the system being inspected. Information may also be obtained from service providers or the homeowner. If an as-built drawing is available, the system inspection shall verify that drawing. If no as-built drawing is available, the inspector shall develop an as-built drawing as part of the inspection.
  3. Septic tank. At the time of inspection, any septic tank(s) existing as part of the sewage disposal system shall be opened and have the contents pumped out and disposed of according to Iowa Code 567—Chapter 68. In the alternative, the owner may provide evidence of the septic tank being properly pumped out within three years prior to the inspection by a commercial septic tank cleaner licensed by the department which shall include documentation of the size and condition of the tank and its components at the time of such occurrence. If the septic tank(s) is opened, the condition of the tank and its components shall be documented and included in the final report.
  4. Pumps and pump chambers. Pump chambers or vaults shall be opened for inspection, and the pump shall be tested to ensure proper operation.
  5. Secondary treatment. Proof that a secondary treatment system is in place must be provided. This proof may include, but is not limited to:
    - a. Opening a distribution box or uncovering a header pipe for a soil absorption system. Existing distribution boxes shall be opened for inspection.
    - b. Verification of the existence of a sand filter by locating the vents and discharge pipe.
    - c. Locating and opening the lid(s) of an advanced treatment unit.
    - d. Absorption fields shall be probed to determine their condition. The condition of the fields shall be noted on the inspection report. The condition of the absorption field may also be determined with a hydraulic loading test.
  6. Discharging systems. An effluent test shall be performed on any legally discharging private sewage disposal system. The effluent shall be tested to determine if it meets the requirements of the NPDES General Permit No.4, for **CBOD5 and TSS**. The test results shall be included in the inspection report.
    - a. The certified inspector shall **report the location of the discharge point of a legally discharging private sewage disposal system and discharge point’s proximity to a perennial stream or drainage tile.**
  7. Packaged treatment units. An advanced treatment unit, such as an aerobic treatment

unit, textile filter, peat filter or fixed activated sludge treatment system, shall be inspected according to the manufacturer's recommendations.

8. Other systems and system components. Private sewage disposal systems not mentioned above shall be inspected for code compliance, and an effluent sample shall be taken if applicable. Any components of the private sewage disposal system not mentioned above shall be inspected for proper function. Examples of other components include, but are not limited to, effluent screens, tertiary treatment systems, disinfection devices, alarms, control boxes and timers.
9. Inspection reports. Following an inspection, the inspection form and a narrative report describing the condition of the private sewage disposal system at the time of the inspection shall be provided to the county **environmental health department**, to the department for record, and **to the person who ordered the inspection. The certified inspector shall provide the completed inspection report to the county environmental health office within ten business days of the inspection date.**

SEC. 23-11 MINIMUM DISTANCES

Minimum distances. All private sewage disposal systems shall be located in accordance with the minimum distances shown in Table I.

**Table I**

Minimum Distance in Feet From	Closed Portion of Treatment System <sup>(1)</sup>	Open Portion of Treatment System <sup>(2)</sup>
Private water supply well	50	100
Deep Public water supply well (3)	100	200
Shallow public water supply well (4)	200	400
Groundwater heat pump borehole	50	100
Lake or reservoir	50	100
Stream or pond	25	25
Edge of drainage ditch	10	10
Dwelling or other structure	10	10
Property lines (unless a mutual easement is signed and recorded)	10	10
Other type of subsurface treatment system	5	10
Water lines continually under pressure	10	10
Suction water lines	50	100
Foundation drains or subsurface tiles	10	10
Lined sand filter	50	50



<sup>(1)</sup>Includes septic tanks, aerobic treatment units, fully contained media filters and impervious vault

toilets.

<sup>(2)</sup>Includes subsurface absorption systems, mound systems, intermittent sand filters, constructed

wetlands, open bottom media filters and waste stabilization ponds.

(3) “Shallow well” means a well located and constructed in such a manner that there is not a low-permeability soil or rock (or equivalent retarding mechanism acceptable to the Department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

(4) “Deep well” means a well located and constructed in such a manner that there is a continuous layer of low-permeability soil or rock at least 5 feet thick located at least 25 feet below the ground surface and above the aquifer from which water is to be drawn.

#### SEC. 23-13 REQUIREMENTS WHEN EFFLUENT IS DISCHARGED ABOVE THE GROUND SURFACE

- A. All private sewage disposal systems that discharge above the ground surface shall be annually inspected to ensure proper operation.
- B. Private sewage disposal systems that require a maintenance contract shall be inspected by a manufacturer’s certified technician or person demonstrating knowledge of the system in accordance with the manufacturer’s standards.
- C. Private sewage disposal systems that do not require a maintenance contract shall be visually inspected by a person with knowledge of the system for any malfunction and shall have the sewage disposal system inspected and septic tank pumped if needed. A record of the inspection and any tank pumping shall be maintained and be made available to the administrative authority upon request.
- D. **No private sewage disposal system shall discharge to a state-owned natural or artificial lake, an outstanding Iowa water or an outstanding national water as defined in 567-subrule 61.2(2) unless authorized by and individual NPDES permit.**

#### SEC. 23-17 PRIMARY TREATMENT – SEPTIC TANK

- A. General requirements
  - 1. Septic tank required. Every private sewage disposal system shall have as a primary treatment unit a septic tank as described in this Rule. All wastewater from the facility serviced shall discharge into the septic tank (except as noted in paragraph “4” below).
  - 2. Easements. No septic tank shall be located upon property under ownership different from the ownership of that property or lot upon which the wastewater originates unless easements to that effect are legally recorded and approved by the proper administrative authority.
  - 3. Effluent discharge requirements. All septic tank effluent shall discharge into a secondary treatment system in compliance with this Chapter or into another system approved by the administrative authority according to 23-42.
  - 4. Prohibited wastes. Septic tanks shall not be used for the disposal of chemical wastes or grease in quantities which might be detrimental to the bacterial action in the tank or for the disposal of drainage from roof drains, **footing drains**, foundation drains,

area drains **and ground water.**

SEC. 23-18 SECONDARY TREATMENT – SUBSURFACE SOIL ABSORPTION SYSTEMS

5. Prohibited drainage. Roof, **footing**, foundation and storm drains shall not discharge into or upon subsurface absorption systems. Nothing shall enter the subsurface absorption system which does not first pass through the septic tank.

SEC. 23-35 EFFLUENT SAMPLING

**The discharge point of the aerobic treatment unit system shall be accessible for effluent sampling, or sampling port shall be installed in the discharge line. All aerobic treatment unit systems that have an open discharge shall be sampled in accordance with the requirements of NPDES General Permit No. 4 if applicable.**