

## **455B.172 Jurisdiction of department and local boards.**

1. The department is the agency of the state to prevent, abate, or control water pollution and to conduct the public water supply program.
2. The department shall carry out the responsibilities of the state related to private water supplies and private sewage disposal systems for the protection of the environment and the public health and safety of the citizens of the state.
3. Each county board of health shall adopt standards for private water supplies and private sewage disposal facilities. These standards shall be at least as stringent but consistent with the standards adopted by the commission. If a county board of health has not adopted standards for private water supplies and private sewage disposal facilities, the standards adopted by the commission shall be applied and enforced within the county by the county board of health.
4. Each county board of health shall regulate the private water supply and private sewage disposal facilities located within the county board's jurisdiction, including the enforcement of standards adopted pursuant to this section.
5. The department shall maintain jurisdiction over and regulate the direct discharge to a water of the state. The department shall retain concurrent authority to enforce state standards for private water supply and private sewage disposal facilities within a county, and exercise departmental authority if the county board of health fails to fulfill board responsibilities pursuant to this section.

The department shall by rule adopt standards for the commercial cleaning of private sewage disposal facilities, including but not limited to septic tanks and pits used to collect waste in livestock confinement structures, and for the disposal of waste from the facilities. The standards shall not be in conflict with the state building code adopted pursuant to section 103A.7. A person shall not commercially clean such facilities or dispose of waste from such facilities unless the person has been issued a license by the department. The department shall be exclusively responsible for adopting the standards and issuing licenses. However, county boards of health shall enforce the standards and licensing requirements established by the department. Application for the license shall be made in the manner provided by the department. Licenses expire one year from the date of issue unless revoked and may be renewed in the manner provided by the department. The license or license renewal fee is twenty-five dollars. A person violating this section or the rules adopted pursuant to this section is subject to a civil penalty of not more than twenty-five dollars. Each day that a violation continues constitutes a separate offense. However, the total civil penalty shall not exceed five hundred dollars per year. The penalty shall be assessed for a violation occurring ten days following written notice of the violation delivered to the person by the department or a county board of health. Moneys collected by the department or a county board of health from the imposition of civil penalties shall be deposited in the general fund of the state.

6. *a.* The department is the state agency to regulate the construction, reconstruction and abandonment of all of the following water wells:
  - (1) Those used as part of a public water supply system as defined in section 455B.171.
  - (2) Those used for the withdrawal of water for which a permit is required pursuant to section 455B.268, subsection 1.
  - (3) Those used for the purpose of monitoring groundwater quantity and quality required or installed pursuant to directions or regulations of the department.
- b.* A local board of health is the agency to regulate the construction, reconstruction and abandonment of water

wells not otherwise regulated by the department. The local board of health shall not adopt standards relative to the construction, reconstruction and abandonment of wells less stringent than those adopted by the department.

7. The department is the state agency to regulate the registration or certification of water well contractors pursuant to section 455B.187 or section 455B.190A.

8. Pursuant to chapter 28E, the department may delegate its authority for regulation of the construction, reconstruction and abandonment of water wells specified in subsection 6 or the registration of water well contractors specified in subsection 7 to boards of health or other agencies which have adequate authority and ability to administer and enforce the requirements established by law or rule.

9. Any county ordinance related to sewage sludge which is in effect on March 1, 1997, shall not be preempted by any provision of section 455B.171, 455B.174, 455B.183, or 455B.304.

[C66, 71, § 455B.3; C73, § 455B.31; C75, 77, 79, 81, § 135.20, 455B.31; 82 Acts, ch 1199, § 9]

C83, § 455B.172

83 Acts, ch 137, § 3; 84 Acts, ch 1121, § 3; 85 Acts, ch 176, §2; 87 Acts, ch 225, § 112, 113; 90 Acts, ch 1243, § 1; 91 Acts, ch 224, §4; 97 Acts, ch 137, § 3; 2004 Acts, ch 1086, §74; 2004 Acts, ch 1167, §11