

CHAPTER 68
COMMERCIAL SEPTIC TANK CLEANERS

567—68.1(455B) Purpose and applicability. The purpose of this chapter is to implement Iowa Code subsection 455B.172(5) and 2011 Iowa Code Supplement section 455B.172A by providing standards for the commercial cleaning of and the disposal of waste from private sewage disposal systems and on-farm food processing operations and by providing licensing requirements and procedures. These rules govern the commercial cleaning of and the disposal of wastes from private sewage disposal systems and on-farm food processing operations.

[ARC 0208C, IAB 7/11/12, effective 8/15/12]

567—68.2(455B) Definitions. For purposes of this chapter, the following terms shall have the meanings indicated:

“*Cleaning*” means removal of waste from private sewage disposal systems and other actions incidental to that removal.

“*Commercial septic tank cleaner*” means a person or firm engaged in the business of cleaning and disposing of waste from private sewage disposal systems, including a person or firm that owns and rents or leases portable toilets.

“*Department*” means the Iowa department of natural resources.

“*Food commodity*” means any commodity that is derived from an agricultural animal or crop, both as defined in Iowa Code section 717A.1, which is intended for human consumption in its raw or processed state.

1. A food commodity in its raw state for processing includes, but is not limited to, milk, eggs, vegetables, fruits, nuts, syrup, and honey.

2. A food commodity in its processed state includes, but is not limited to, dairy products, pastries, pies, and meat or poultry products.

“*Holding tank for waste*” means any receptacle for the retention or storage of waste pending removal for further treatment or disposal.

“*On-farm processing operation*” means any place located on a farm where the form or condition of a food commodity originating from that farm or another farm is changed or packaged for human consumption, including but not limited to a dairy, creamery, winery, distillery, cannery, bakery, or meat or poultry processor. “On-farm processing operation” does not include food commodities processed by a person exclusively for use by the person and members of the person’s household and the person’s nonpaying guests and employees.

“*Private sewage disposal system*” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of fewer than 16 individuals on a continuing basis, including domestic waste, whether residential or nonresidential, but not including industrial waste of any flow rate except as provided for in 567—68.11(455B). “Private sewage disposal system” includes, but is not limited to, septic tanks as defined in 567—subrule 69.1(2); holding tanks for waste; and impervious vault toilets, portable toilets, and chemical toilets as described in 567—69.15(455B).

“*Septage*” means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or from a holding tank, when the system is cleaned or maintained.

“*Tank*” means any container which is placed on a vehicle to transport waste removed from a private waste facility.

“*Toilet unit*” means a portable or fixed tank or vessel holding untreated human waste without secondary wastewater treatment which is emptied for disposal. “Toilet unit” does not include a portable or fixed tank or vessel holding untreated human waste that is part of a recreational vehicle or marine vessel.

“*Vehicle*” means a device used to transport a tank, including a trailer.

“*Waste*” means human or animal excreta, water, scum, sludge, septage, and grease solids from private sewage disposal.

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567—68.3(455B) Licensing requirements. Commercial septic tank cleaners must annually apply for and obtain a license from the department before engaging in the commercial cleaning of and disposal of septage from any private sewage disposal system in the state of Iowa. The license period will run from July 1 to June 30 of the following year. The owner of a septic tank may clean the owner's own tank without being licensed if all other requirements of this chapter are met.

567—68.4(455B) Licensing procedures.

68.4(1) Application for license. A commercial septic tank cleaner must apply for a license by completing a form provided by the department and submitting it with an annual waste management plan and the license fee to the Department of Natural Resources, License Bureau, Henry A. Wallace Building, 502 E. 9th Street, Des Moines, Iowa 50319. In the case of a commercial septic tank cleaner which is a corporation, partnership, association or any other business entity, the entity itself must apply as provided in this rule. The entity shall designate one person, such as a partner, officer, manager, supervisor, or other full-time employee, to act as its representative for the purpose of applying for a license. Individuals employed by a commercial septic tank cleaner business are not required to be licensed, but each cleaning unit (vehicle or tank) must have the license number (except for the year) displayed and a copy of the current license with the cleaning unit.

68.4(2) Waste management plan. The applicant must submit as a part of the application a septage disposal management plan. The plan must also be submitted to the county board of health in each county where septage is to be land-applied. The plan shall include:

- a. The volume of septage expected to be collected from private sewage disposal facilities.
- b. The volume of septage to be taken to permitted publicly owned treatment works.
- c. A letter of acceptance from any publicly operated treatment works where waste is proposed to be disposed.
- d. The location and area of all sites where septage is to be land-applied.
- e. The anticipated volume of septage applied to each site.
- f. The type of crop to be planted on each site and when the crop is to be planted.
- g. The type of application to be used at each site.
- h. A list of vehicles to be registered.
- i. Rescinded IAB 7/11/12, effective 8/15/12.

Allowance may be made in the plan for septage application on the property of the owner of the tank being pumped as long as disposal standards of this chapter are met. A license will be issued only after approval of the waste management plan. If the plan is not approved, it must be modified and resubmitted.

68.4(3) License fee. The application fee is \$150 per year for the first registered vehicle and \$50 for each additional vehicle. If the applicant intends to land-apply any septage during the year, there will be an additional application fee of \$7 per 1,000 gallons of septage to be land-applied per year. Land application fees shall be based on the previous year's records. First-time applicants shall pay a \$300 annual land application fee if they propose to land-apply. New license applicants will be charged monthly prorated fees until the next June 30.

68.4(4) License renewal. In order to remain valid, a commercial septic tank cleaner license must be renewed by June 30 of each year. Renewal application must be made on a form provided by the department and must be received by the department or postmarked at least 30 days prior to the expiration date.

68.4(5) Change in ownership. Within 30 days of the change in ownership of any commercial septic tank cleaner, the new owner shall furnish the department with the following information:

- a. Name of business and license number;
- b. Name, address, and telephone number of new owner; and
- c. Date the change in ownership took place and any change in the waste management plan. The license will transfer with the ownership with no additional fee due until the next renewal date.

68.4(6) Change in address. Within 30 days of any change in the address or location of the business, information regarding such change must be reported to the department.

68.4(7) *Alteration of waste management plan.* An amended waste management plan must be submitted before any new property for land application not listed on the existing plan is used or waste is taken to a publicly operated treatment works not listed on the plan.

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567—68.5(455B) Suspension, revocation and denial of license.

68.5(1) *Basis for suspension, revocation, and denial.* The department may suspend, revoke, or deny a commercial septic tank cleaner license for any of the following reasons:

- a. A material misstatement of facts in a license application.
- b. Failure to provide the adequate license fee.
- c. Failure to provide and adhere to an approved waste management plan.
- d. Failure to satisfy the obligations of a commercial septic tank cleaner and the standards as provided in rules 567—68.6(455B), 567—68.9(455B), and 567—68.10(455B).
- e. Failure to pay any fines assessed under 68.5(2).

68.5(2) *Civil penalties.* The department may assess civil penalties not to exceed \$250 for violations of this rule. Each day that the violation continues constitutes a separate offense.

68.5(3) *Appeal.* A commercial septic tank cleaner may appeal the suspension, revocation, or denial of a license under the provisions of 567—Chapter 7.

68.5(4) *Reinstatement.* In the case of a denial, revocation, or suspension pursuant to paragraph 68.5(1) “b” or “e,” the department may immediately reinstate or issue a license after receipt of the requisite fee or fine and confirmation that the commercial septic tank cleaner is fulfilling the requirements of rules 567—68.6(455B) and 567—68.9(455B). In case of a denial, revocation or suspension pursuant to paragraph 68.5(1) “a,” “c,” or “d,” the department may reinstate or issue a license no sooner than 60 days after the denial, revocation, or suspension if the department is satisfied that the commercial septic tank cleaner has corrected the deficiency and will comply with departmental rules in the future.

567—68.6(455B) Licensee’s obligations.

68.6(1) *Supervision.* The licensee shall provide supervision for the removal and disposal of septage from private sewage disposal systems.

68.6(2) *Standards.* The licensee shall meet the standards established in this chapter for the cleaning of and disposal of septage from private sewage disposal systems.

68.6(3) *Records.* The licensee shall maintain records of private sewage disposal systems cleaned and the location, method of septage disposal, and volume of septage disposed of for each trip. Such records shall be maintained for a period of five years and shall be made readily available upon request by the administrative authority.

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567—68.7(455B) County obligations. The county boards of health shall enforce the standards and licensing requirements contained in this chapter and other referenced rules relating to the cleaning of private sewage disposal systems and disposal of septage from such facilities.

567—68.8(455B) Application sites and equipment inspections. All application sites specified on the waste management plan shall be inspected annually by an agent approved by the department to ensure that the sites meet the requirements for septage disposal and are properly managed. All tank trucks and related storage and handling facilities for septage shall be inspected annually to ensure compliance with these rules. The department may contract with other entities such as the local county health department to carry out the inspections. However, the department shall retain concurrent authority to determine inspection requirements.

567—68.9(455B) Standards for commercial cleaning of private sewage disposal systems.

68.9(1) *Vehicles, tanks and equipment.* For all vehicles, tanks and equipment used in the commercial cleaning of private sewage disposal systems, the licensee shall:

- a. Prevent the dripping, falling, spilling, leaking, or discharging of waste onto roads, rights-of-way or other public properties.
- b. Provide the equipment necessary for proper cleaning of private sewage disposal systems.
- c. Ensure proper construction and repair of cleaning equipment to allow easy cleaning and maintenance in an essentially rust-free and sanitary condition and appearance.
- d. If septage is to be land-applied, provide a mechanism for properly mixing lime with the septage or a means to incorporate or inject the septage.

68.9(2) Septic tank cleaning. Tanks shall be emptied of all waste. Sludge may be loosened by pumping liquid back into the tank or adding dilution water. The tank does not have to be washed out with fresh water; however, no more than four inches of waste shall be left in the bottom.

68.9(3) Miscellaneous.

- a. Any tanks or equipment used for hauling septage from private sewage disposal systems shall not be used for hauling hazardous or toxic wastes as defined in 567—Chapter 131 or other wastes detrimental to land application or wastewater treatment plants and shall not be used in a manner that would contaminate a potable water supply or endanger the food chain or public health.
- b. Pumps and associated piping shall be installed with watertight connections to prevent leakage.
- c. Agitation capability for use in cleaning private sewage disposal systems to disperse sludge and scum into the liquid for proper cleaning shall be provided.
- d. All vehicles shall display the license number (except for the year) assigned to the commercial septic tank cleaner with three-inch or larger letters and numbers on the side of the tank or vehicle.
- e. The name and address of the license holder shall be prominently displayed on the side of the tank or vehicle in letters at least three inches high.
- f. A direct connection shall not be made between a potable water source and the tank or equipment on the vehicle.

567—68.10(455B) Standards for disposal. Disposal of septage from private sewage disposal systems shall be carried out in accordance with the rules established by the department.

68.10(1) Waste from toilet units shall be disposed of by discharge to a publicly owned treatment works or other permitted wastewater treatment system with the treatment works owner's approval.

68.10(2) Septage from septic tanks or other types of private sewage disposal systems that normally discharge effluent for further treatment (such as mechanical/aerobic treatment tanks, siphon tanks or distribution boxes) shall be disposed of by utilizing one or more of the following methods:

- a. Septage shall be discharged to a publicly owned treatment works or other permitted wastewater treatment system with the treatment works owner's approval.
- b. Septage shall be discharged to permitted septage lagoons or septage drying beds with the septage system owner's approval.
- c. Septage shall be land-applied in accordance with the following requirements:
 - (1) The maximum application rate is 30,000 gallons of septage per acre of cropland per 365-day period. The nitrogen application rate shall be no more than is utilized by the crop. A crop capable of using the nitrogen applied must be grown and harvested from the site after application of the maximum annual allocation or, at a minimum, every third year.
 - (2) The following site restrictions shall be met when septage is applied to land:
 1. Septage shall not be applied to a lawn or a home garden.
 2. Septage shall not be applied to land where there is a bedrock layer or seasonal high water table within 3 feet of the soil surface. Determination of these confining layers may be ascertained by consulting the soil types noted in the county USDA soil surveys.
 3. Land application sites shall have soil pH maintained above 6.0, unless crops prefer soils with lower pH conditions. If the soil pH is below 6.0, it is acceptable to use agricultural lime to increase the pH to an acceptable level. Soil pH shall be measured and reported as part of the annual waste management plan.
 4. The septage shall not be applied to ground that has greater than 9 percent slope.

5. If application on frozen or snow-covered ground is necessary, it shall be limited to land areas of less than 5 percent slope and application rates of less than 2,500 gallons per acre per day.

6. Septage shall not be applied to land that is 35 feet or less from an open waterway. If septage is applied within 200 feet of a stream, lake, sinkhole or tile line surface intake located downgradient of the land application site, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application.

7. If the septage is applied to land subject to flooding more frequently than once in ten years, the septage shall be injected or shall be applied to the surface and mechanically incorporated into the soil within 48 hours. Information on which land is subject to flooding more frequently than once in ten years is available from the department.

8. Septage shall not be applied within 750 feet of an occupied residence, except the residence of the owner of the septic tank that was pumped, nor within 500 feet of a well.

9. Crop harvesting restrictions:

- Food crops with harvested parts that touch the septage/soil mixture and are totally above ground shall not be harvested for 14 months after application of domestic septage.

- Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of domestic septage.

- Animal feed, fiber, and those food crops with harvested parts that do not touch the soil surface shall not be harvested for 30 days after application of the domestic septage. Animals shall not be allowed to graze on the land for 30 days after application of septage.

(3) One of the following vector attraction reduction requirements shall be met when septage is applied to land:

1. Septage shall be injected below the surface of the land. No significant amount of the septage shall be present on the land surface within one hour after the septage is injected.

2. Septage applied to the land surface shall be incorporated into the soil within six hours after application to or placement on the land.

3. Septage shall be stabilized by adding and thoroughly mixing sufficient alkaline material such as hydrated or quick lime to produce a mixture with a pH of 12. For example, adding and thoroughly mixing approximately 50 pounds of lime with each 1,000 gallons of septage is usually sufficient to bring the pH to 12 for 30 minutes. A minimum of 30 minutes of contact time shall be provided after mixing the lime with the septage prior to applying to land. Each container of septage shall be monitored for compliance by testing, using a pH meter or litmus paper, two representative samples of the batch of lime-treated domestic septage taken a minimum of 30 minutes apart to verify that the pH remains at 12 or greater for the minimum 30-minute time period.

(4) When septage is applied to land, the person who applies the septage shall develop the following information and shall retain the information for five years:

1. The location, by either street address or latitude and longitude, of each site on which septage is applied.

2. The number of acres and precise application area in each site on which septage is applied.

3. The gallons of septage applied each time.

4. The total gallons applied at each site to date for the year.

5. The date and time septage is applied to each site.

6. The rate, in gallons per acre, at which septage is applied to each site.

7. A description of how the vector attraction reduction requirements are met.

8. The following certification statement shall be provided with the records when the records are submitted to or requested by the department:

“I certify, under penalty of law, that the pathogen requirements and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

(5) Other methods of stabilization may be acceptable if shown to be equivalent to 68.10(2)“c”(3)“3” above.

d. Septage shall be discharged (with owner approval) to a permitted sanitary landfill in accordance with 567—Chapters 102 and 103 and the following requirements:

(1) Septage shall be stabilized by adding and thoroughly mixing sufficient lime to produce a mixture with a pH of 12.

(2) A minimum of 30 minutes of contact time shall be provided after mixing the lime with the septage prior to discharging to the landfill.

[ARC 0208C, IAB 7/11/12, effective 8/15/12]

567—68.11(455B) Standards for disposal of on-farm food processing wastewater. Disposal of on-farm food processing wastewater shall be carried out by utilizing one or more of the following methods:

68.11(1) On-farm food processing wastewater shall be discharged to a publicly owned treatment works or other permitted wastewater treatment system with the treatment works owner's approval.

68.11(2) On-farm food processing wastewater shall be discharged to a subsurface soil absorption system that is in compliance with 567—Chapter 69 and the United States Environmental Protection Agency's Underground Injection Control Program or other applicable regulations.

68.11(3) On-farm food processing wastewater shall be discharged through a disposal system that meets all of the following:

a. The disposal system is located on the same site as the on-farm processing operation.

b. The disposal system is constructed in conformance with a permit issued by the department in accordance with Iowa Code section 455B.183, implemented by 567—Chapter 64.

c. For a disposal system that discharges wastewater to a water of the United States, the system must be operated in conformance with a National Pollutant Discharge Elimination System permit issued by the department under Iowa Code section 455B.197.

68.11(4) Land application.

a. On-farm food processing wastewater may be land-applied if all of the following apply:

(1) The volume of wastewater produced by the on-farm processing operation is less than 1,500 gallons per day.

(2) The application rate does not exceed 30,000 gallons per acre per year.

(3) The application rate does not exceed 1,500 gallons per acre per day.

b. On-farm food processing wastewater shall be land-applied in accordance with 567—68.10(455B).

c. On-farm food processing operations that meet the requirements for land application in 68.11(4) shall not be required to obtain an operation permit as prescribed in 567—64.3(455B).

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