

567—60.2(455B) Construction permits.

60.2(1) Construction permit requirement.

a. No person shall construct, install or modify any wastewater DS or part thereof or extension or addition thereto without, or contrary to any condition of, a construction permit issued by the director or by a local public works department authorized to issue such permits under Iowa Code section 455B.183, nor shall any connection to a sewer extension in violation of any special limitation specified in a construction permit pursuant to 60.2(4) be allowed by any person subject to the conditions of the permit.

b. Exemptions to the requirement to obtain a construction permit are listed in the Iowa Wastewater Facilities Design Standards, effective June 18, 2025, located on the department’s website; hereafter referred to as the IWFDS.

60.2(2) Construction sites.

a. The site for each new wastewater treatment plant, plant expansion, or upgrade of existing facilities must be inspected and approved by the department prior to submission of plans and specifications. Site survey applications must be submitted in accordance with this rule.

b. Site approval under this subrule shall be based on the criteria contained in:

- (1) The IWFDS;
- (2) The Recommended Standards for Wastewater Facilities, 2014 Edition, a report of the Great Lakes - Upper Mississippi Board of State and Provincial Public Health and Environmental Managers, available on their website at: www.health.state.mn.us/communities/environment/water/tenstates/standards.html; hereafter referred to as the Ten States Standards;
- (3) Applicable federal guidelines and standards; and
- (4) Other design documents, including standard textbooks, current technical literature and applicable safety standards.

c. The minimum separation distances for PSDS, onsite treatment systems, building sewer service lines and laterals, wastewater treatment works, sewage sludge, septage, and land application wetted disposal areas are as listed below in Table I. Additional separation distances for gravity sanitary sewers, sanitary sewer force mains, storm sewers, drains, and other conveyances are provided in Table A of 567—paragraph 43.3(7) “d” and for PSDS in 567—Chapter 69, and specific narrative separation distances for conveyances are provided in 567—subparagraphs 43.3(2) “a”(3) and (4). Sewage sludge, septage, and domestic or industrial wastewater shall be land applied in accordance with 567—Chapter 67, 567—Chapter 68, and the IWFDS, respectively.

Table I: Wastewater Separation Distances

Structure or Source of Contamination	Required Minimum Lateral Distance, as Measured Horizontally on the Ground Surface, in feet							
	PSDS and Onsite Treatment Systems ¹		Building Sewer Service Lines and Laterals ²	Wastewater Treatment Works ³		Land Application		
	Closed Portion	Open Portion		Lagoons ⁴	Mechanical ⁵	Sewage Sludge	Septage	Domestic or Industrial Wastewater, Wetted Disposal Area ⁶
WELLS:								
Public wells:								
Public water supply well - deep ⁷	100	200	25: Water main 75: Standard sanitary sewer	400	200	200	500	200
Public water supply well - shallow ⁷	200	400	25: Water main 75: Standard sanitary sewer	1000	400	200	500	400

Below-ground level finished water storage facility	Required Minimum Lateral Distance, as Measured Horizontally on the Ground Surface, in feet						
	50	25: Water main 75: Standard sanitary sewer	50	50	50	50	
New or existing private well - deep or shallow	50	100	10	400 ^{8,9}	200	500	
WASTEWATER DISPOSAL SYSTEMS:							
Other PSDSs and onsite treatment systems – open or closed portions ¹⁰	5 ¹⁰	10 ¹⁰					
WATERBODIES:							
Flowing streams or ponds	25				35 ¹¹	35 ¹¹	300
Lakes or reservoirs	50	100		400	35 ¹¹	35 ¹¹	300
Wetlands or drainage channels ¹²					35 ¹¹	35 ¹¹	300
MISCELLANEOUS:							
Inhabitable residences, other inhabitable structures, or commercial buildings	10 ¹³		1000 ^{14,15,16}	1000 ^{13,15}	200	750 ¹⁷	300
Public use areas (not including roads or highways)			Anaerobic lagoons only ¹⁶				300
GHEX loop boreholes ¹⁸	50	100					
Roadside ditches	10						
Road rights-of-way				25 ²⁰			
Property lines	10 ¹⁹			25 ²⁰			
Suction water lines	50	100					
Water lines continually under pressure, foundation drains, or subsurface tiles ²¹	10						

¹PSDS (private sewage disposal system) is defined in 567—subrule 69.1(2). For the purposes of this table, “onsite treatment system” includes any wastewater treatment system not included in the definition of a PSDS (i.e., provides treatment or disposal of domestic sewage from more than four dwelling units or 16 or more individuals on a continuing basis) that is utilizing wastewater treatment technologies described in 567—Chapter 69 to treat domestic waste. Closed portion refers to the part of a treatment system that is fully contained and does not allow effluent or pretreated effluent to enter soil or groundwater (e.g., septic tank or impervious vault toilet). Open portion refers to the part of a treatment system that allows effluent or pretreated effluent to discharge into soil or groundwater for treatment or disposal (e.g., soil absorption system or unlined ISSF system). These SDs also apply to onsite treatment systems that are not considered privately owned.

²The SDs for building sewer service lines and laterals shall be considered minimum distances when constructing sewer lines, and shall be increased where possible to provide better protection. “Water main” and “standard sanitary sewer” are the type of materials or pipe used to construct the specified type of sewer, in accordance with 567—subrule 43.3(2) and Section 2.4 of the IWFDs.

³For the purposes of this table, “wastewater treatment works” includes lagoons as specified in superscript 4 and mechanical treatment works as specified in superscript 5. When the SDs for wastewater treatment systems and structures other than wells cannot be maintained for the expansion, upgrading, or replacement of existing facilities, the SDs shall be maintained at no less than 90 percent of the existing distance on the site, providing no data is available indicating that a problem has existed or will be created. The wastewater treatment works SDs shall not apply to control buildings, including but not limited to laboratories, offices, and toilet or shower rooms.

⁴The term “lagoons” includes aerated lagoon systems, advanced aerated lagoon systems, and waste stabilization lagoons, as defined in 567—subrule 81.1(1), and holding ponds, equalization basins, and sludge digestion or holding tanks, as described in the IWFDs. The term does not include lagoons used to dispose of water treatment plant wastes and anaerobic lagoons used for animal wastes (as noted in superscript 8). The SD from lagoons shall be measured from the water surface.

⁵The term “mechanical” includes activated sludge systems and fixed film biological treatment systems, as defined in 567—subrule 81.1(1), and any other wastewater disposal system that is not a PSDS, an onsite treatment system, or a lagoon. The mechanical wastewater treatment plant SDs are recommended for pumping stations at sites remote from new or expanded wastewater treatment facilities. All pumping stations shall be off the traffic ways of streets and alleys.

⁶The wetted disposal area is the land and area that is normally wetted by wastewater application. The wetted disposal area shall be established at least 50 feet inside the property line on all sides of the land application site. Distances may be reduced depending upon the extent of pretreatment and operational techniques.

⁷Deep and shallow wells are defined in 567—subrule 40.2(1).

⁸The SD between a private well and an anaerobic lagoon, earthen manure slurry storage basin, earthen manure storage basin, or runoff control basin shall be 1,000 feet. If an applicant for a private well construction permit demonstrates through percolation testing that the seepage loss through the lagoon or basin does not exceed 1/16 inch/day (0.0625 inch/day), the SD shall be 400 feet. The percolation test shall meet the requirements of ASTM D1587/D1587M-15 and 567—subrule 65.15(11).

⁹The SD between an existing, nonpotable, deep or shallow private well and an industrial treatment works may be reduced from 400 feet to 200 feet to accommodate the expansion of an existing industrial treatment works, provided the well and the treatment works share the same ownership.

¹⁰Required distance between a new PSDS and an existing other type of PSDS.

¹¹If sewage sludge or septage is land applied within 200 feet upgradient of a stream, lake, sinkhole, or tile line surface intake, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application unless otherwise approved by the department.

¹²Includes drainage channels that may have a direct connection to the groundwater table or a surface water.

¹³If an onsite treatment system (as described in superscript 1) has a design AWW flow of greater than 1,500 gpd and less than or equal to 5,000 gpd, the SD between an inhabitable residence, other inhabitable structure, or commercial building and the onsite treatment system shall be 100 feet.

¹⁴The SDs between an inhabitable residence, other inhabitable structure, or commercial building and the types of lagoons specified in this superscript shall apply as indicated. If a flow equalization basin is covered and at a site that is remote from new or expanded wastewater treatment facilities, the SD may be reduced to 300 feet at the department’s discretion. If the top of a remote flow equalization basin is underneath the surface of the earth, the 1,000-foot SD is recommended but not required, and the minimum SD is 100 feet. If a wastewater treatment lagoon is used solely for the retention or storage of the industrial waste from a boiler or cooling tower blow down facility and its sole use is filed with the county recorder for abstract of title purposes, the 1,000-foot distance is recommended but not required, and the minimum SD is 100 feet.

¹⁵If the inhabitable structure or commercial building is the property of the owner of the proposed lagoon or mechanical treatment facility, or there is written agreement with the owner of the building, the 1,000-foot distance shall not apply. Any such written agreement shall be submitted to the department and filed with the county recorder for abstract of title purposes, and a copy submitted to the department.

¹⁶See 60.2(2) “d” for specific anaerobic lagoon SDs.

¹⁷Septage shall not be applied within 750 feet of an occupied residence, except for the residence of the owner of the septic tank that was pumped or the residence of the licensed commercial septic tank cleaner.

¹⁸GHEX loop boreholes are defined in 567—subrule 49.2(1).

¹⁹The 10-foot distance between a PSDS and property lines applies unless a mutual easement is signed and recorded by both parties.

²⁰An SD of at least 300 feet between a wastewater treatment works and property lines or rights-of-way is recommended where treatment works may be expanded in the future.

²¹“Foundation drain” is defined in 567—subrule 69.1(2).

d. For anaerobic lagoons used in connection with industrial wastewater treatment or pretreatment, the following SDs shall apply between the anaerobic lagoon and the nearest inhabitable residence, other inhabitable structure, or commercial building not owned by the owner of the lagoon, or from a public use area other than a public road. These SDs do not apply to controlled discharge or aerated facultative lagoon systems.

(1) Where the average rated flow is 100,000 gpd or less, the SD shall be at least 1,250 feet.

(2) Where the average rated flow is greater than 100,000 gpd, the SD shall be at least 1,875 feet.

(3) A person may build or expand an anaerobic lagoon closer to an inhabitable residence, other inhabitable structure, or commercial building not owned by the owner of the anaerobic lagoon, or to a public use area other than a public road, if the affected landowners sign a written agreement with the anaerobic lagoon owner to waive the SDs under such terms the parties negotiate. Any such agreement shall be submitted to the department and filed with the county recorder for abstract of title purposes.

(4) When the SDs in this subparagraph cannot be maintained for the expansion, upgrade, or replacement of existing anaerobic lagoon facilities, the SD may be reduced to 1,000 feet provided all of the following criteria are met:

1. The anaerobic lagoon will be completely covered and provided with approved off gas treatment throughout its entire operation life;
2. An operation and maintenance manual shall be prepared and submitted to the department in accordance with the IWFDS; and
3. No data are available indicating that a problem has existed or will be created.

60.2(3) *Construction permit applications—general.*

a. General. All applications for a construction permit required under this rule shall be made in accordance with the requirements in the IWFDS and on forms provided by the department. The applicant will be promptly notified if the application is incomplete or improperly filled out, and an application will not be reviewed until it is complete. A construction permit will be denied when the application does not meet all requirements for permit issuance. For a system with permits conditioned by limitations on additional loads under 60.2(4), construction permit applications must be accompanied by an accounting of connections and additional loading since the time the initial conditioned permit was issued.

b. Submission date. Applications for a construction permit must be submitted to the director at least 120 days in advance of the construction start date.

c. Site surveys.

(1) For new or expanded wastewater treatment facilities, an application for a site survey must be submitted by the applicant's engineer in advance of a full application for construction permit. An applicant should allow 60 days from the submission date of the site survey application for preliminary approvals.

(2) A site survey application must include the following minimum information:

1. A preliminary engineering report or a cover letter that contains a brief description of the proposed treatment process and assurance that the project is in conformance with the long-range planning of the area.
2. The general information, treatment project site selection, and treatment project design data portions of the construction permit application forms, as provided by the department.

(3) If a site survey application is incomplete, it will be returned to the engineer for completion. When a site survey application is complete, it will be reviewed as follows:

1. If the data submitted indicates on its face that the site would be unsuitable for its intended purpose, a letter of rejection will be sent to the applicant and the engineer. Clarifications and additional data may be requested of the applicant and the engineer.

2. If the data submitted indicates on its face that the site may be suitable, a site survey will be conducted by department staff.

d. Fee. A single construction permit application fee of \$100 as specified in Iowa Code section 455B.197(2) is due at the time of construction permit application submission.

e. Director action. The director shall act upon the application within 60 days of receipt of a complete application by either issuing a construction permit or denying the construction permit in writing unless a longer review period is necessary and the applicant is so notified in writing.

f. Modification after construction permit issuance. Applicants seeking a modification to plans and specifications after having been issued a construction permit shall submit an addendum to plans and specifications, a change order, or revised plans and specifications, along with the reasons for the proposed changes, to the department. A supplemental written permit or approval will be issued when the changes submitted by the applicant meet department requirements. Construction shall not proceed until such changes have been approved.

60.2(4) *Sanitary sewer extension construction permit applications.* Applications for sanitary sewer extension construction permits shall conform to the IWFDS. If a sanitary sewer extension construction permit application does not provide sufficient information to grant or deny a sewer system construction permit, additional information may be requested and evaluated. Sanitary sewer extension approval shall be subject to the following:

a. A sanitary sewer extension construction permit may be denied if, at the time of application, the treatment facility treating wastewater from the proposed sewer is not in substantial compliance with its operating permit or if the treatment facility receives wastes in volumes or quantities that exceed its design capacity and interfere with its operation or performance. If the applicant is operating under a compliance schedule that is being adhered to and that will lead to resolution of the substantial compliance issues, or if

the applicant can demonstrate that the problem has been identified, the planning completed, and corrective measures initiated, then the construction permit may be granted.

b. A sanitary sewer extension construction permit may be denied if bypassing has occurred at the treatment facility, except when any of the following conditions are being met:

(1) The bypassing is due to a combined sewer system, and the facility is in compliance with a department-approved long-term CSO control plan;

(2) The bypassing occurs as a result of a storm with an intensity or duration greater than that of a storm with a return period of five years, according to the NOAA Atlas 14 Point Precipitation Frequency Estimates; or

(3) The department determines that timely actions are being taken to eliminate the bypassing.

c. A sanitary sewer extension construction permit may be denied if an existing downstream sewer is or will be overloaded or surcharged, resulting in bypassing, flooded basements, or overflowing manholes, unless:

(1) The bypassing or flooding is the result of a precipitation event with an intensity or duration greater than that of a storm with a return period of two years, according to the NOAA Atlas 14 Point Precipitation Frequency Estimates; or

(2) The system is under full-scale facility planning and the applicant provides a schedule that is approved by the department for rehabilitating the system to the extent necessary to handle the additional loadings.

60.2(5) *Application review.*

a. Review of construction permit applications shall be based on the criteria listed in 60.2(2)“*b*” and on the Iowa Antidegradation Implementation Procedure, incorporated by reference in 60.7(2)“*d*”(4). In any conflict between the criteria, the IWFDS shall prevail.

b. *IWFDS waivers.* Requests for waivers from the IWFDS shall be submitted and reviewed in accordance with 561—Chapter 10.

60.2(6) *Commencing construction.* Notwithstanding the 120-day requirement in 60.2(3)“*b*,” construction of the approved system may commence immediately after the issuance of a construction permit.

60.2(7) *Expiration.* The construction permit shall expire if construction thereunder is not commenced within one year of the date of issuance thereof. The director may grant an extension of time to commence construction if it is necessary or justified, upon showing of such necessity or justification to the director.

60.2(8) *Modification or revocation.* The director may modify or revoke a construction permit for cause, including but not limited to the following:

a. Failure to construct said wastewater DS or part thereof in accordance with the approved plans and specifications;

b. Violation of any term or condition of the permit;

c. Obtaining a permit by misrepresentation of facts or failure to disclose fully all material facts; or

d. Any change during construction that requires material changes in the approved plans and specifications.

60.2(9) *Certification of completion.* Within 30 days after completion of construction, installation or modification of any wastewater DS or part thereof or extension or addition thereto, the construction permit holder shall submit a certification by a registered professional engineer that the project was completed in accordance with the approved plans and specifications.

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