

JAN 17 1990

ENERGY AND ENVIRONMENTAL PROTECTION

Amended for 5/16/90 to Pass 2/10 (p 417)

HOUSE FILE 2115

BY PELLETT and HARBOR

Passed House, Date 2/21/90 (p 522)

Passed Senate, Date 3/21/90 (P. 1221)

Vote: Ayes 89 Nays 5

Vote: Ayes 46 Nays 1

Approved May 6, 1990

A BILL FOR

5243,5248 1 An Act regulating the commercial cleaning of private sewage
2 disposal facilities, by providing for the adoption of
3 standards and the issuance of licenses, providing license
4 fees, providing a civil penalty, and providing effective and
5 applicability dates.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 2115

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1 Section 1. Section 455B.172, subsection 5, Code 1989, is
2 amended by adding the following new unnumbered paragraph after
3 unnumbered paragraph 1:

4 NEW UNNUMBERED PARAGRAPH. The department shall by rule
5 adopt standards for the commercial cleaning of private sewage
6 disposal facilities, including but not limited to septic tanks
7 and pits used to collect waste in livestock confinement
8 structures, and for the disposal of waste from the facilities.
9 The standards shall not be in conflict with the state building
10 code. A person shall not commercially clean such facilities
11 or dispose of waste from such facilities unless the person has
12 been issued a license by the department. The department shall
13 be exclusively responsible for adopting the standards and
5168 14 issuing licenses. However, county boards of health may
15 enforce the standards and licensing requirements established
16 by the department. Application for the license shall be made
17 in the manner provided by the department. Licenses expire one
18 year from the date of issue unless revoked and may be renewed
19 in the manner provided by the department. The license or
20 license renewal fee is twenty-five dollars. A person
21 violating this section or the rules adopted pursuant to this
22 section, is subject to a civil penalty of not more than
23 twenty-five dollars. Each day that a violation continues
24 constitutes a separate offense. However, the total civil
25 penalty shall not exceed five hundred dollars per year. The
26 penalty shall be assessed for a violation occurring ten days
27 following written notice of the violation delivered to the
28 person by the department or a county board of health. Moneys
29 collected by the department or a county board of health from
30 the imposition of civil penalties shall be deposited in the
31 general fund of the state.

5248 32 Sec. 2. DATES OF APPLICABILITY.

5248 33 1. This Act takes effect March 1, 1991.

34 2. A person issued a license to clean private sewage
35 disposal facilities and dispose of waste from the facilities

1 by a county board of health before March 1, 1991, is not
2 required to obtain a license from the department of natural
3 resources under section 455B.172, until the license issued by
4 the county board of health expires or until March 1, 1992,
5 whichever occurs first.

6 EXPLANATION

7 This bill requires the department of natural resources to
8 adopt standards relating to the commercial cleaning of private
9 sewage disposal facilities and the disposal of waste from the
10 facilities. The department is exclusively responsible for
11 licensing persons engaged in the commercial cleaning of
12 facilities and disposal of waste from the facilities. County
13 boards of health may enforce standards and license
14 requirements. The license or license renewal fee is \$25.
15 Persons violating standards or license requirements are
16 subject to a civil penalty which cannot exceed \$25 for each
17 day the offense continues. The total civil penalty cannot
18 exceed \$500 per year. The bill takes effect on March 1, 1991,
19 and provides that persons issued a license by a county board
20 of health before the effective date are not subject to
21 licensure requirements until March 1, 1992, unless the county
22 license expires earlier.

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HOUSE FILE 2115

H-5168

1 Amend House File 2115 as follows:

2 1. Page 1, line 14, by striking the word, "may"
3 and inserting the following: "shall".

By COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION
ROSENBERG of Story, Chairperson

H-5168 FILED FEBRUARY 16, 1990

Adopted 2/21 (p. 525)

HOUSE FILE 2115

H-5243

1 Amend House File 2115 as follows:

2 1. Page 1, by inserting after line 31 the fol-
3 lowing:

4 "Sec. ____ . Section 455B.172, subsection 5, Code
5 1989, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The department shall not
8 prohibit the discharge of waste water from a septic
9 tank installed prior to November 19, 1986."

10 2. Page 1, line 33, by striking the word "This"
11 and inserting the following: "Section 1 of this".

12 3. Title page, line 1, by striking the words "the
13 commercial cleaning of".

14 4. Title page, line 2, by inserting after the
15 word "for" the following: "cleaning, the discharge of
16 waste water,".

By IVERSON of Wright

H-5243 FILED FEBRUARY 20, 1990

Adopted 2/21 (p. 526)

HOUSE FILE 2115

H-5248

1 Amend House File 2115 as follows:

2 1. Page 1, by inserting after line 31 the fol-
3 lowing:

4 "Sec. ____ . Section 455B.172, subsection 5, Code
5 1989, is amended by adding the following new
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. The department or a
8 county board of health shall not prohibit the
9 discharge of waste water from a septic tank located on
10 agricultural land used for farming, as defined in
11 section 172C.1, and installed prior to November 19,
12 1986."

13 2. Page 1, line 33, by striking the word "This"
14 and inserting the following: "Section 1 of this".

15 3. Title page, line 1, by striking the words "the
16 commercial cleaning of".

17 4. Title page, line 2, by inserting after the
18 word "for" the following: "cleaning, the discharge of
19 waste water,".

By IVERSON of Wright

H-5248 FILED FEBRUARY 20, 1990

Referred not germane 2/21 (p. 526)

HOUSE FILE 2115
FISCAL NOTE

A fiscal note for House File 2115 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2115 requires the Department of Natural Resources (DNR) to adopt standards relating to the commercial cleaning of private sewage disposal facilities and the disposal of waste from those facilities. The DNR is also given the exclusive responsibility of licensing persons engaged in these activities.

Fiscal Effect

The DNR estimates that 1.50 FTE positions would be needed to operate the program, at an annual cost, beginning in FY 1991, of \$71,000.

Income derived from the \$25 annual fee and the \$25 per day penalty would be deposited in the General Fund. Because the number of persons who are engaged in the cleaning of private sewage facilities is unknown, the amount of revenue cannot be estimated.

Source: Department of Natural Resources

(LSB 7026yh.2, JWR)

FILED FEBRUARY 20, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2115
BY PELLETT and HARBOR

(As Amended and Passed by the House February 21, 1990)

Passed House, Date _____ Passed Senate, Date 3/21/90 (p. 1221)

Vote: Ayes 95 Nays 0 Vote: Ayes 46 Nays 1

Approved May 6, 1990

1 Motion to reconsider (p. 1499) w/D 3/28 *Repassed Senate 4/7/90 (p. 1674)*
1 " prevailed (p. 1522) *Effective Date 03/01/91* *48-0*

A BILL FOR

1 An Act regulating the commercial cleaning of private sewage
2 disposal facilities, by providing for the adoption of
3 standards and the issuance of licenses, providing license
4 fees, providing a civil penalty, and providing effective and
5 applicability dates.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments _____

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1 Section 1. Section 455B.172, subsection 5, Code 1989, is
2 amended by adding the following new unnumbered paragraph after
3 unnumbered paragraph 1:

53714 NEW UNNUMBERED PARAGRAPH. The department shall by rule
5 adopt standards for the commercial cleaning of private sewage
6 disposal facilities, including but not limited to septic tanks
7 and pits used to collect waste in livestock confinement
8 structures, and for the disposal of waste from the facilities.
9 The standards shall not be in conflict with the state building
10 code. A person shall not commercially clean such facilities
11 or dispose of waste from such facilities unless the person has
12 been issued a license by the department. The department shall
13 be exclusively responsible for adopting the standards and
14 issuing licenses. However, county boards of health shall
15 enforce the standards and licensing requirements established
16 by the department. Application for the license shall be made
17 in the manner provided by the department. Licenses expire one
18 year from the date of issue unless revoked and may be renewed
19 in the manner provided by the department. The license or
20 license renewal fee is twenty-five dollars. A person
21 violating this section or the rules adopted pursuant to this
22 section, is subject to a civil penalty of not more than
23 twenty-five dollars. Each day that a violation continues
24 constitutes a separate offense. However, the total civil
25 penalty shall not exceed five hundred dollars per year. The
26 penalty shall be assessed for a violation occurring ten days
27 following written notice of the violation delivered to the
28 person by the department or a county board of health. Moneys
29 collected by the department or a county board of health from
30 the imposition of civil penalties shall be deposited in the
31 general fund of the state.

32 Sec. 2. DATES OF APPLICABILITY.

33 1. This Act takes effect March 1, 1991.

34 2. A person issued a license to clean private sewage
35 disposal facilities and dispose of waste from the facilities

1 by a county board of health before March 1, 1991, is not
2 required to obtain a license from the department of natural
3 resources under section 455B.172, until the license issued by
4 the county board of health expires or until March 1, 1992,
5 whichever occurs first.

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HOUSE FILE 2115

S-5371

1 Amend House File 2115 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 6 through 8, and
4 inserting the following: "disposal facilities and for
5 the disposal of waste from the facilities."

By COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES
PATRICK DELUHERY, Chairperson

S-5371 FILED MARCH 6, 1990

Adopted 3/13 (p. 1029)

HOUSE FILE 2115

S-5469

1 Amend House File 2115 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 31 the
4 following:
5 "Sec. ____ . Section 455B.172, subsection 5, Code
6 1989, is amended by adding the following new
7 unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. The department or a
9 county board of health shall not prohibit the
10 discharge of wastewater from a septic tank located on
11 agricultural land used for farming as defined in
12 section 172C.1, and installed before November 19,
13 1986."

By RAY TAYLOR

ALVIN V. MILLER
BERL E. PRIEBE
KENNETH D. SCOTT
C. JOSEPH COLEMAN
EMIL J. HUSAK
LEONARD L. BOSWELL
JACK W. HESTER
LINN FUHRMAN

H. KAY HEDGE
RICHARD VANDE HOEF
JOHN W. JENSEN
NORMAN J. GOODWIN
RICHARD F. DRAKE
DALE L. TIEDEN
JACK RIFE
JOHN E. SOORHOLTZ

S-5469 FILED MARCH 13, 1990

Adopted 3/21 (p. 1221)

SENATE AMENDMENT TO HOUSE FILE 2115

H-5818

- 1 Amend House File 2115 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 6 through 8, and
4 inserting the following: "disposal facilities and for
5 the disposal of waste from the facilities."
6 2. Page 1, by inserting after line 31 the
7 following:
8 "Sec. ____ . Section 455B.172, subsection 5, Code
9 1989, is amended by adding the following new
10 unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. The department or a
12 county board of health shall not prohibit the
13 discharge of wastewater from a septic tank located on
14 agricultural land used for farming as defined in
15 section 172C.1, and installed before November 19,
16 1986."
17 3. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5818 FILED MARCH 22, 1990

House concurred 3/27 (j. 1435)

Reconsidered

Senate rescinded 4/7 (j. 1674)

HOUSE FILE 2115

AN ACT

REGULATING THE COMMERCIAL CLEANING OF PRIVATE SEWAGE DISPOSAL FACILITIES, BY PROVIDING FOR THE ADOPTION OF STANDARDS AND THE ISSUANCE OF LICENSES, PROVIDING LICENSE FEES, PROVIDING A CIVIL PENALTY, AND PROVIDING EFFECTIVE AND APPLICABILITY DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455B.172, subsection 5, Code 1989, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. 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. 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.

Sec. 2. DATES OF APPLICABILITY.

1. This Act takes effect March 1, 1991.
2. A person issued a license to clean private sewage disposal facilities and dispose of waste from the facilities by a county board of health before March 1, 1991, is not required to obtain a license from the department of natural resources under section 455B.172, until the license issued by the county board of health expires or until March 1, 1992, whichever occurs first.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2115, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1990

TERRY E. BRANSTAD
Governor