

SENATE FILE 2163
BY JUDGE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the exclusive regulation by a local board of
2 health of private sewage disposal systems and semi-public
3 sewage disposal systems.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. 2163

1 Section 1. NEW SECTION. 137.6A CERTAIN SEWAGE DISPOSAL
2 SYSTEMS.

3 Each local board of health has sole authority over and
4 shall adopt rules relating to the regulation and maintenance
5 of private sewage disposal systems, as defined by section
6 455B.171, and semi-public sewage disposal systems, as defined
7 by section 455B.171, located within the local board's
8 jurisdiction.

9 Sec. 2. Section 137.7, subsection 4, Code 1995, is amended
10 to read as follows:

11 4. May issue licenses and permits and charge reasonable
12 fees therefor in relation to the collection or disposal of
13 solid waste and the construction or operation of private water
14 supplies ~~or-sewage-disposal-facilities~~.

15 Sec. 3. Section 455B.172, subsections 2, 3, and 4, Code
16 1995, are amended to read as follows:

17 2. The department shall carry out the responsibilities of
18 the state related to private water supplies ~~and-private-sewage~~
19 ~~disposal-systems~~ for the protection of the environment and the
20 public health and safety of the citizens of the state.

21 3. Each county board of health shall adopt standards for
22 private water supplies ~~and-private-sewage-disposal-facilities~~.
23 These standards shall be at least as stringent but consistent
24 with the standards adopted by the commission. If a county
25 board of health has not adopted standards for private water
26 supplies ~~and-private-sewage-disposal-facilities~~, the standards
27 adopted by the commission shall be applied and enforced within
28 the county by the county board of health.

29 4. Each county board of health shall regulate the private
30 water supply ~~and-private-sewage-disposal-facilities~~ located
31 within the county board's jurisdiction, including the
32 enforcement of standards adopted pursuant to this section.

33 Sec. 4. Section 455B.172, subsection 5, unnumbered
34 paragraphs 1 and 2, Code 1995, are amended to read as follows:

35 The department shall maintain jurisdiction over and

1 regulate the direct discharge to a water of the state. The
2 department shall retain concurrent authority to enforce state
3 standards for private water supply and private sewage disposal
4 facilities within a county, and exercise departmental
5 authority if the county board of health fails to fulfill board
6 responsibilities pursuant to this section.

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

35 Sec. 5. Section 455B.172, Code 1995, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 4A. This state, its departments,
3 agencies, boards, bureaus, and commissions, and its political
4 subdivisions, including, but not limited to, city councils and
5 county boards of supervisors, shall not possess regulatory
6 authority over private sewage disposal systems and semi-public
7 sewage disposal systems. Such regulatory authority rests
8 solely with a local board of health as provided in section
9 137.6A.

10 Sec. 6. Section 455B.183, subsection 3, unnumbered
11 paragraph 1, Code 1995, is amended to read as follows:

12 The operation of any waste disposal system or public water
13 supply system or any part of or extension or addition to the
14 system. This provision does not apply to a pretreatment
15 system the effluent of which is to be discharged directly to
16 another disposal system for final treatment and disposal, a
17 semi-public sewage disposal system, ~~the construction of which~~
18 ~~has been approved by the department and which does not~~
19 ~~discharge into water of the state~~ or a private sewage disposal
20 system ~~which does not discharge into a water of the state.~~
21 The exemption of this paragraph shall not apply to any
22 industrial waste discharges.

23 EXPLANATION

24 Currently, section 455B.172, subsections 1 through 5, grant
25 the authority for regulation of private sewage disposal
26 systems to each county board of health and require that the
27 standards that each county adopts must be at least as
28 stringent as the standards adopted by the environmental
29 protection commission. This bill authorizes a local board of
30 health to exclusively set standards by rule relating to the
31 regulation of private sewage disposal systems and semi-public
32 sewage disposal systems located within the county board's
33 jurisdiction. The bill provides that the state of Iowa, its
34 agencies, and political subdivisions, including, but not
35 limited to, city councils and county boards of supervisors,

1 shall not possess regulatory authority over private sewage
2 disposal systems and semi-public sewage disposal systems.

3 A "private sewage disposal facility" is defined as a system
4 which provides for the treatment or disposal of domestic
5 sewage from four or fewer dwelling units or the equivalent of
6 16 individuals on a continuing basis.

7 A "semi-public sewage disposal system" means a system for
8 the treatment or disposal of domestic sewage which is not a
9 private sewage disposal system and which is not owned by a
10 city, a sanitary sewer district, or a designated and approved
11 management agency under section 1288 of the federal Water
12 Pollution Control Act, 33 U.S.C. § 1288.

13 The bill includes other changes which eliminate existing
14 provisions relating to state regulation over private sewage
15 disposal facilities and semi-private sewage disposal systems.
16 Specifically, existing provisions pertaining to the commercial
17 cleaning of private sewage disposal facilities and the
18 licensing of cleaners of such facilities are eliminated.

19 This bill also eliminates the existing provision
20 prohibiting a local board of health from unreasonably
21 interfering with existing patterns of private professional
22 practice of licensed practitioners of the healing arts when a
23 local board of health issues licenses and permits and charges
24 reasonable fees thereof in relation to the construction or
25 operation of sewage disposal facilities.

26

27

28

29

30

31

32

33

34

35