

FEB 2 9 1985  
ENVIRONMENTAL PROTECTION

HOUSE FILE 414  
BY HUSER, STRUYK, and BAUDLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to persons commercially cleaning private sewage  
2 disposal facilities by providing regulations, fees, and civil  
3 penalties, requiring cities to regulate the division of  
4 certain land outside city boundaries and accept certain  
5 septage from subdivisions approved by cities outside city  
6 boundaries, and making appropriations.

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

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HF 414

1 Section 1. Section 354.9, Code 2005, is amended to read as  
2 follows:

3 354.9 REVIEW OF PLATS WITHIN TWO MILES OF A CITY.

4 1. ~~If a~~ A city, ~~which has adopted~~ shall adopt ordinances  
5 regulating the division of land, ~~desires to and shall~~ review  
6 subdivision plats or plats of survey for divisions or  
7 subdivisions in the area that extends two miles outside the  
8 city's boundaries, ~~then the~~. The city shall establish by  
9 ordinance, specifically referring to the authority  
10 requirements of this section, the area subject to the city's  
11 review and approval. The area of review ~~may~~ shall be  
12 identified by ~~individual tracts, by describing the boundaries~~  
13 ~~of the area, or by~~ including all land ~~within a certain~~  
14 distance of in the area extending two miles outside the city's  
15 boundaries, ~~which shall not extend more than two miles~~  
16 distance from the city's boundaries. The ordinance  
17 establishing the area of review or modifying the area of  
18 review by a city, shall be recorded in the office of the  
19 recorder and filed with the county auditor.

20 2. If a subdivision lies in a county, which has adopted  
21 ordinances regulating the division of land, and also lies  
22 within the area of review established by a city pursuant to  
23 this section, then the subdivision plat or plat of survey for  
24 the division or subdivision shall be submitted to ~~both the~~  
25 city ~~and county~~ for approval. The standards and conditions  
26 applied by a city ~~or county~~ for review and approval of the  
27 subdivision shall be, at a minimum, the same standards and  
28 conditions used for review and approval of subdivisions within  
29 the ~~city limits~~ county or shall be the standards and  
30 conditions for review and approval established by agreement of  
31 the city and county pursuant to chapter 28E. ~~Either the city~~  
32 ~~or county may, by resolution, waive its right to review the~~  
33 ~~subdivision or waive the requirements of any of its standards~~  
34 ~~or conditions for approval of subdivisions, and certify the~~  
35 ~~resolution which shall be recorded with the plat,~~

1 2A. If a city approves a subdivision pursuant to this  
2 section, a person commercially cleaning private sewage  
3 disposal facilities shall take and the city shall accept for  
4 deposit at the treatment works of the city all septage  
5 collected from any private sewage disposal system, domestic  
6 sewage treatment system, or septic tank located in the  
7 approved subdivision. A person commercially cleaning private  
8 sewage disposal facilities may deposit septage collected  
9 pursuant to this subsection with a city other than the city  
10 approving a subdivision if the city approving the subdivision  
11 and the city accepting such septage mutually agree to the  
12 acceptance and deposit of such septage. The city, in the  
13 resolution approving a subdivision, shall state the date on  
14 which the city shall begin accepting septage under this  
15 subsection which shall not be later than one year after the  
16 first private sewage disposal system, domestic sewage  
17 treatment system, or septic tank located in the approved  
18 subdivision is installed.

19 3. If cities establish overlapping areas of review outside  
20 their boundaries, then the cities shall establish by agreement  
21 pursuant to chapter 28E reasonable standards and conditions  
22 for review of subdivisions within the overlapping area and  
23 jurisdiction for purposes of subsection 2A. If no agreement  
24 is recorded pursuant to chapter 28E then the city which is  
25 closest to the boundary of the subdivision shall have  
26 authority to review of the subdivision.

27 Sec. 2. Section 455B.172, subsection 5, unnumbered  
28 paragraph 2, Code 2005, is amended to read as follows:

29 The department shall by rule adopt standards for the  
30 commercial cleaning of private sewage disposal facilities,  
31 including but not limited to septic tanks ~~and pits used to~~  
32 ~~collect waste in livestock confinement structures,~~ and for the  
33 disposal of waste from the facilities. The standards shall  
34 not be in conflict with the state building code adopted  
35 pursuant to section 103A.7. A person shall not commercially

1 clean such facilities or dispose of waste from such facilities  
2 unless the person has been issued a license by the department.  
3 The department shall be exclusively responsible for adopting  
4 the standards and issuing licenses. However, county boards of  
5 health shall enforce the standards and licensing requirements  
6 established by the department. The department may delegate  
7 the authority for inspection of land application sites, record  
8 reviews, and equipment inspections to a county board of  
9 health. In the event of such delegation, the department shall  
10 retain concurrent authority over such activities. Application  
11 for the license shall be made in the manner provided by the  
12 department. Licenses expire one year from the date of issue  
13 unless revoked and may be renewed in the manner provided by  
14 the department. ~~The license or license renewal fee is twenty-~~  
15 five dollars. A license application shall include  
16 registration applications for each vehicle used by the  
17 applicant for purposes of collecting septage from private  
18 sewage disposal facilities and each vehicle used by the  
19 applicant for purposes of applying septage to land. Septic  
20 disposal management plans shall be submitted to the department  
21 and approved annually as a condition of licensing and shall  
22 also be filed annually with the county board of health in the  
23 county where a proposed septage application site is located.  
24 The septic disposal management plan shall include, but not be  
25 limited to, the sites of septage application, the anticipated  
26 volume of septage applied to each site, the area of each  
27 septage application site, the type of application to be used  
28 at each site, the volume of septage expected to be collected  
29 from private sewage disposal facilities, and a list of  
30 registered vehicles collecting septage from private sewage  
31 disposal facilities and applying septage to land. The annual  
32 license or license renewal fee for a person commercially  
33 cleaning private sewage disposal facilities shall be  
34 established by the department based on the volume of septage  
35 that is applied to land. A septic management fund is created

1 in the state treasury under the control of the department.  
2 Annual license and license renewal fees collected pursuant to  
3 this section shall be deposited in the septic management fund  
4 and are appropriated to the department for purposes of  
5 contracting with county boards of health to conduct land  
6 application site inspections, record reviews, and septic  
7 cleaning equipment inspections. A person violating this  
8 section or the rules adopted pursuant to this section as  
9 determined by the department is subject to a civil penalty of  
10 not more than twenty-five two hundred fifty dollars. The  
11 department shall adopt rules related to, but not limited to,  
12 recordkeeping requirements, application procedures and  
13 limitations, contamination issues, loss of septage, failure to  
14 file a septic disposal management plan, application by  
15 vehicles that are not properly registered, wrongful  
16 application, and violations of a septic disposal management  
17 plan. Each day that a violation continues constitutes a  
18 separate offense. ~~However, the total civil penalty shall not~~  
19 ~~exceed five hundred dollars per year.~~ The penalty shall be  
20 assessed ~~for a violation occurring ten days following written~~  
21 ~~notice of the violation delivered to the person by the~~  
22 ~~department or a county board of health~~ for the duration of  
23 time commencing with the time the violation begins and ending  
24 the time the violation is corrected. The septic disposal  
25 management plan may be examined to determine the duration of  
26 the violation. Moneys collected by the department or a county  
27 board of health from the imposition of civil penalties shall  
28 be deposited in the general fund of the state.

EXPLANATION

29  
30 This bill relates to persons commercially cleaning private  
31 sewage disposal facilities, cities accepting certain septage  
32 from subdivisions approved by cities outside city boundaries,  
33 and makes appropriations.

34 Currently, a city which has adopted ordinances regulating  
35 the division of land may review subdivision plats or plats of

1 survey for divisions or subdivisions outside the city's  
2 boundaries provided that the area does not extend more than  
3 two miles from the city's boundaries. The bill requires a  
4 city to adopt ordinances regulating the division of land. The  
5 bill requires a city to review subdivision plats or plats of  
6 survey for divisions or subdivisions in the area that extends  
7 two miles outside the city's boundaries. The bill requires a  
8 city to identify, in ordinance, the area outside the city's  
9 boundaries that is subject to the city's review and approval.

10 The bill provides that, if a subdivision lies in a county  
11 which has adopted ordinances regulating the division of land,  
12 and also lies within the area of review established by a city,  
13 then the subdivision plat or plat of survey for the division  
14 or subdivision shall be submitted to the city for approval.  
15 The bill provides that the standards and conditions applied by  
16 a city for review and approval of the subdivision shall be, at  
17 a minimum, the same standards and conditions used for review  
18 and approval of subdivisions within the county or shall be the  
19 standards and conditions for review and approval established  
20 by agreement of the city and county pursuant to Code chapter  
21 28E.

22 The bill provides that, if a city approves a subdivision  
23 outside the city's boundaries, a person commercially cleaning  
24 private sewage disposal facilities shall take and the city  
25 shall accept for deposit at the treatment works of the city  
26 all septage collected from any private sewage disposal system,  
27 domestic sewage treatment system, or septic tank located in  
28 the approved subdivision. The bill allows for the deposit of  
29 such septage at a city other than the city approving a  
30 subdivision if there is a mutual agreement between the two  
31 cities. The bill provides that the city, in the resolution  
32 approving a subdivision, shall state the date on which the  
33 city shall begin accepting septage which shall not be later  
34 than one year after the first private sewage disposal system,  
35 domestic sewage treatment system, or septic tank located in

1 the approved subdivision is installed.

2 The bill requires cities that establish overlapping areas  
3 of review outside their boundaries to establish by agreement  
4 jurisdiction for purposes of accepting septage from approved  
5 subdivisions in the overlapping area.

6 The bill allows the department of natural resources to  
7 delegate the authority for the inspection of land application  
8 sites, record reviews, and equipment inspections to county  
9 boards of health. In the event of such delegation, the  
10 department shall retain concurrent authority over such  
11 activities.

12 The bill requires septic disposal management plans to be  
13 submitted to the department and approved annually as a  
14 condition of licensing and to be filed annually with the  
15 county board of health in the county where a proposed septage  
16 application site is located. The bill requires a license  
17 application to include registration applications for each  
18 vehicle used by the applicant for purposes of collecting  
19 septage from private sewage disposal facilities and each  
20 vehicle used by the applicant for purposes of applying septage  
21 to land.

22 The bill requires the department to establish an annual  
23 licensing and renewal fee structure for persons commercially  
24 cleaning private sewage disposal facilities based on the  
25 volume of septage that is applied to land. The bill provides  
26 that such fees shall be deposited in the septic management  
27 fund created in the bill and are appropriated to the  
28 department for purposes of contracting with county boards of  
29 health to conduct land application site inspections, record  
30 reviews, and septic cleaning equipment inspections.

31 The bill increases the civil penalty for violations of the  
32 regulations relating to commercial cleaning of private sewage  
33 disposal facilities from \$25 to \$250. Each day that a  
34 violation continues constitutes a separate offense. The bill  
35 eliminates a maximum annual civil penalty amount of \$500.

1 The bill requires the department to adopt rules related to,  
2 but not limited to, recordkeeping requirements, application  
3 procedures and limitations, contamination issues, loss of  
4 septage, failure to file a septic disposal management plan,  
5 application by vehicles that are not properly registered,  
6 wrongful application, and violations of a septic disposal  
7 management plan.

8 The bill provides that a civil penalty shall be assessed  
9 for the duration of time commencing with the time the  
10 violation begins and ending the time the violation is  
11 corrected. The bill provides that the septic disposal  
12 management plan may be examined to determine the duration of  
13 the violation.

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