

MAR 15 2005  
WAYS AND MEANS

HOUSE FILE 783  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HF 414)

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

A BILL FOR

1 An Act relating to persons commercially cleaning toilet units and  
2 private sewage disposal facilities by providing regulations,  
3 fees, and civil penalties, and making appropriations.

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

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HF 783

1 Section 1. Section 455B.171, Code 2005, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 32A. "Toilet unit" means a portable or  
4 fixed tank or vessel holding untreated human waste without  
5 secondary wastewater treatment that is emptied for disposal.  
6 "Toilet unit" does not include a portable or fixed tank or  
7 vessel holding untreated human waste that is part of a  
8 recreational vehicle or marine vessel.

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

11 The department shall by rule adopt standards for the  
12 commercial cleaning of private sewage disposal facilities,  
13 including but not limited to septic tanks ~~and pits used to~~  
14 ~~collect waste in livestock confinement structures~~, and for the  
15 disposal of waste from the facilities. The standards shall  
16 not be in conflict with the state building code adopted  
17 pursuant to section 103A.7. A person shall not commercially  
18 clean such facilities or dispose of waste from such facilities  
19 unless the person has been issued a license by the department.  
20 The department shall be exclusively responsible for adopting  
21 the standards and issuing licenses. However, county boards of  
22 health shall enforce the standards and licensing requirements  
23 established by the department. The department may contract  
24 for the delegation of the authority for inspection of land  
25 application sites, record reviews, and equipment inspections  
26 to a county board of health. In the event of entering into  
27 such a contract, the department shall retain concurrent  
28 authority over such activities. Application for the license  
29 shall be made in the manner provided by the department.  
30 Licenses expire one year from the date of issue unless revoked  
31 and may be renewed in the manner provided by the department.  
32 ~~The license or license renewal fee is twenty-five dollars.~~ A  
33 license application shall include registration applications  
34 for each vehicle used by the applicant for purposes of  
35 collecting septage from private sewage disposal facilities and

1 each vehicle used by the applicant for purposes of applying  
2 septage to land. Septic disposal management plans shall be  
3 submitted to the department and approved annually as a  
4 condition of licensing and shall also be filed annually with  
5 the county board of health in the county where a proposed  
6 septage application site is located. The septic disposal  
7 management plan shall include, but not be limited to, the  
8 sites of septage application, the anticipated volume of  
9 septage applied to each site, the area of each septage  
10 application site, the type of application to be used at each  
11 site, the volume of septage expected to be collected from  
12 private sewage disposal facilities, and a list of registered  
13 vehicles collecting septage from private sewage disposal  
14 facilities and applying septage to land. The annual license  
15 or license renewal fee for a person commercially cleaning  
16 private sewage disposal facilities shall be established by the  
17 department based on the volume of septage that is applied to  
18 land. A septic management fund is created in the state  
19 treasury under the control of the department. Annual license  
20 and license renewal fees collected pursuant to this section  
21 shall be deposited in the septic management fund and are  
22 appropriated to the department for purposes of contracting  
23 with county boards of health to conduct land application site  
24 inspections, record reviews, and septic cleaning equipment  
25 inspections. A person violating this section or the rules  
26 adopted pursuant to this section as determined by the  
27 department is subject to a civil penalty of not more than  
28 twenty-five two hundred fifty dollars. The department shall  
29 adopt rules related to, but not limited to, recordkeeping  
30 requirements, application procedures and limitations,  
31 contamination issues, loss of septage, failure to file a  
32 septic disposal management plan, application by vehicles that  
33 are not properly registered, wrongful application, and  
34 violations of a septic disposal management plan. Each day  
35 that a violation continues constitutes a separate offense.

1 ~~However, the total civil penalty shall not exceed five hundred~~  
2 ~~dollars per year.~~ The penalty shall be assessed for a  
3 ~~violation occurring ten days following written notice of the~~  
4 ~~violation delivered to the person by the department or a~~  
5 ~~county board of health~~ for the duration of time commencing  
6 with the time the violation begins and ending the time the  
7 violation is corrected. The septic disposal management plan  
8 may be examined to determine the duration of the violation.  
9 Moneys collected by the department ~~or a county board of health~~  
10 from the imposition of civil penalties shall be deposited in  
11 the general fund of the state. Moneys collected by a county  
12 board of health from the imposition of civil penalties shall  
13 be deposited in the general fund of the county.

14 Sec. 3. Section 455B.172, Code 2005, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. 5A. a. The department shall by rule  
17 adopt standards for the commercial cleaning of toilet units  
18 and for the disposal of waste from toilet units. Waste from  
19 toilet units shall be disposed of at a wastewater treatment  
20 facility and shall not be applied to land. The department may  
21 contract for the delegation of the authority for inspection of  
22 record reviews and equipment inspections for such units to a  
23 county board of health. In the event of entering into such a  
24 contract, the department shall retain concurrent authority  
25 over such activities.

26 b. A person shall not commercially clean toilet units or  
27 dispose of waste from such units unless the person has been  
28 issued a license by the department. The department shall be  
29 exclusively responsible for adopting the standards and issuing  
30 licenses. However, county boards of health shall enforce the  
31 standards and licensing requirements established by the  
32 department. Application for the license shall be made in the  
33 manner provided by the department. Licenses expire one year  
34 from the date of issue unless revoked and may be renewed in  
35 the manner provided by the department. A license application

1 shall include registration applications for each vehicle used  
2 by the applicant for purposes of collecting waste from toilet  
3 units and each vehicle used by the applicant for purposes of  
4 transporting waste from toilet units to a wastewater treatment  
5 facility. The annual license or license renewal fee for a  
6 person commercially cleaning toilet units shall be one hundred  
7 dollars per truck or vehicle used by the licensee for purposes  
8 of commercial cleaning of toilet units and for the disposal of  
9 waste from the toilet units.

10 c. A toilet unit fund is created in the state treasury  
11 under the control of the department. Annual license and  
12 license renewal fees collected pursuant to this subsection  
13 shall be deposited in the toilet unit fund and are  
14 appropriated to the department for purposes of contracting  
15 with county boards of health to conduct record reviews and  
16 toilet unit cleaning equipment inspections.

17 d. A person violating this section or the rules adopted  
18 pursuant to this section as determined by the department is  
19 subject to a civil penalty of not more than five hundred  
20 dollars. Each day that a violation continues constitutes a  
21 separate offense. The penalty shall be assessed for the  
22 duration of time commencing with the time the violation begins  
23 and ending with the time the violation is corrected. Moneys  
24 collected by the department from the imposition of civil  
25 penalties shall be deposited in the general fund of the state.  
26 Moneys collected by a county board of health from the  
27 imposition of civil penalties shall be deposited in the  
28 general fund of the county.

29 EXPLANATION

30 This bill relates to persons commercially cleaning toilet  
31 units and private sewage disposal facilities and makes  
32 appropriations.

33 The bill allows the department of natural resources to  
34 contract for the delegation of the authority for the  
35 inspection of land application sites, record reviews, and

1 equipment inspections to county boards of health. In the  
2 event of entering into such a contract, the department shall  
3 retain concurrent authority over such activities.

4 The bill requires septic disposal management plans to be  
5 submitted to the department and approved annually as a  
6 condition of licensing and to be filed annually with the  
7 county board of health in the county where a proposed septage  
8 application site is located. The bill requires a license  
9 application to include registration applications for each  
10 vehicle used by the applicant for purposes of collecting  
11 septage from private sewage disposal facilities and each  
12 vehicle used by the applicant for purposes of applying septage  
13 to land.

14 The bill requires the department to establish an annual  
15 licensing and renewal fee structure for persons commercially  
16 cleaning private sewage disposal facilities based on the  
17 volume of septage that is applied to land. The bill provides  
18 that such fees shall be deposited in the septic management  
19 fund created in the bill and are appropriated to the  
20 department for purposes of contracting with county boards of  
21 health to conduct land application site inspections, record  
22 reviews, and septic cleaning equipment inspections.

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

28 The bill requires the department to adopt rules related to,  
29 but not limited to, recordkeeping requirements, application  
30 procedures and limitations, contamination issues, loss of  
31 septage, failure to file a septic disposal management plan,  
32 application by vehicles that are not properly registered,  
33 wrongful application, and violations of a septic disposal  
34 management plan.

35 The bill provides that a civil penalty shall be assessed

1 for the duration of time commencing with the time the  
2 violation begins and ending the time the violation is  
3 corrected. The bill provides that the septic disposal  
4 management plan may be examined to determine the duration of  
5 the violation. The bill provides that moneys collected by the  
6 department from the imposition of civil penalties shall be  
7 deposited in the general fund of the state. The bill provides  
8 that moneys collected by a county board of health from the  
9 imposition of civil penalties shall be deposited in the  
10 general fund of the county.

11 The bill requires the department to adopt standards for the  
12 commercial cleaning of toilet units and for the disposal of  
13 waste from toilet units. The bill defines a toilet unit to  
14 mean a portable or fixed tank or vessel holding untreated  
15 human waste without secondary wastewater treatment that is  
16 emptied for disposal. The bill requires waste from toilet  
17 units to be disposed of at a wastewater treatment facility and  
18 prohibits land application of such waste.

19 The bill allows the department to contract for the  
20 delegation of the authority for inspection of record reviews  
21 and equipment inspections to a county board of health and  
22 requires that the department retain concurrent authority over  
23 such activities.

24 The bill prohibits a person from commercially cleaning a  
25 toilet unit or disposing of waste from a toilet unit unless  
26 the person has been issued a license by the department. The  
27 bill provides that a license application shall include  
28 registration applications for each vehicle used by the  
29 applicant for purposes of collecting waste from toilet units  
30 and each vehicle used by the applicant for purposes of  
31 transporting waste from toilet units to a wastewater treatment  
32 facility. The bill provides that the annual license or  
33 license renewal fee shall be \$100 per truck or vehicle used by  
34 the licensee.

35 The bill creates a toilet unit fund in the state treasury

1 under the control of the department. The bill provides that  
2 annual license and license renewal fees shall be deposited in  
3 the fund and are appropriated to the department for purposes  
4 of contracting with county boards of health to conduct record  
5 reviews and toilet unit cleaning equipment inspections.

6 The bill provides that violations of the regulations  
7 relating to the cleaning of toilet units are subject to a  
8 civil penalty of not more than \$500. The bill provides that  
9 each day that a violation continues constitutes a separate  
10 offense. The bill provides that the penalty shall be assessed  
11 for the duration of time commencing with the time the  
12 violation begins and ending with the time the violation is  
13 corrected. The bill provides that moneys collected by the  
14 department from the imposition of civil penalties shall be  
15 deposited in the general fund of the state. The bill provides  
16 that moneys collected by a county board of health from the  
17 imposition of civil penalties shall be deposited in the  
18 general fund of the county.

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