

TITLE IV – HEALTH ORDINANCES

**Proposed Changes to: Public Hearing will be held on
Friday 2-3-12
@ 2:00 p.m.**

CHAPTER 31

ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

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31.01 PURPOSE: To protect the health of residents of Warren County, to prevent increased health risks due to on-site wastewater treatment systems and to implement state on-site treatment standards.

Warren County has adopted Iowa Administrative Code 567, Chapter 69, in its entirety with the modifications stated below.

31.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Alteration” means any change, addition or modification in construction.
2. “Construction” means the action of making or forming by combining parts; i.e., the act of building.
3. “County Sanitarian” means the Warren County Sanitarian.
4. “Non-Discharging System” means any non subsurface soil absorption type system described in IAC 567, Ch. 69, that is followed by a suitable soil absorption system reduced by 50% capacity; determined by soil analysis or percolation test.
5. “NPDES” means National Pollutant Discharge Elimination System.
6. “Department” means the Iowa Department of Natural Resources.
7. “Dwelling” means a place for human habitation.
8. “Nuisance” means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. This shall include all definitions in Section 657.2 of the Code of Iowa.
9. “Public Sewer” means a wastewater treatment and disposal facility owned and operated by a corporate public entity such as a city or sanitary sewer district.

10. "Repair" means the change or the reconstruction or the renewal of any part of an existing system for the purpose of its maintenance.
11. "Reconstruction" means the action of reconstructing; i.e., the act of constructing again; re-establishing; reassembling.
12. "Soil Scientist" means an individual whom practices investigating and evaluating the interactions between water, soil minerals, plants and other living organisms that are used to prepare soil scientists' reports for: subsurface ground absorption systems, including infiltration galleries; land application of residuals such as sludge, septage, and other wastes; spray irrigation of wastewater; soil remediation at conventional rates; land application of agricultural products; processing residues, bioremediation, and volatilization; soil erodibility and sedimentation; and identification of hydric soil and redoximorphic features.
13. "NEHA" means National Environmental Health Association.
14. "IOWWA" means Iowa Onsite Waste Water Association.
15. All terms defined in Chapter 69.1(2) of the Iowa Administrative Code 567 shall be defined the same for these regulations.

31.03 GENERAL REQUIREMENTS.

1. Discharge Restrictions. It is prohibited for any household drainage and/or sewage, from other than an approved system designed to do so, to discharge (unless permitted under NPDES General Permit #4) to any ditch, stream, lake, pond, natural or artificial waterway, county drain tile, surface water drain tile, or to the surface of the ground. Such waste material shall be disposed of in such a sanitary manner as is prescribed by these regulations.
2. State Code Adopted. All on-site wastewater treatment and disposal systems located in the County, including the corporate boundaries of incorporated cities and towns, shall be constructed and equipped in accordance with the specifications and requirements set forth by the Department in the most current edition of the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the Board of Health.

The following is a list of emphasis or differences between Iowa Administrative Code 567, Chapter 69, and changes and additions adopted by the Warren County Board of Health and the Warren County Board of Supervisors.

- (a). If the property owner is issued an NPDES Permit #4, all permitted discharging private sewage disposal systems shall be sampled and tested only

by a “Qualified Sampler” as defined in the NPDES General Permit #4; no less than twice a year at six-month intervals for Carbonaceous Biochemical Oxygen Demand (CBOD5) and Escherichia Coli (E. Coli), and once a year for Total Suspended Solids (TSS), regardless of the distance of the State registered Waters as defined in the current NPDES permit #4.

(b). Failure to provide acceptable test results according to IAC 567, Chapter 69 or current NPDES permit on two or more consecutive test dates shall void the existing permit and repairs or replacement must be made under a new permit.

c. 69.13(2)b and 69.13(3)a(2) Intermittent Sand Filters. Schedule 40 plastic pipe is required.

d. 69.14(1), 69.14(3), 69.14(5) and 69.14(6) Mechanical Aerobic Systems

1. For systems installed after the effective date of this ordinance, Warren County requires a pre-tank of 500 gallon minimum size.
 2. All maintenance agreements submitted must be original or notarized copies and must precede issuance of a permit to install.
 3. Sampling of mechanical aerobic units shall follow requirements outlined in Iowa Administration Code Section 567 Chapter 69.10(6) and 69.9(1)c with these additions:
 - a: Samples will be analyzed by an accredited laboratory, and samples must be taken in compliance with the current NPDES requirements.
 - b: Warren County will require all mechanical aerobic systems to be sampled at the time of each inspection. If no effluent is discharging from the discharge point or present within the sample port at time of inspection, then a report will be sent to the Warren County Environmental health office, indicating that observation.
 - c: Results shall be immediately reported to the Warren County Sanitarian but no later than July 1 and December 31 of each year.
 - d: If the analysis is above the acceptable limits according to IAC 567, Chapter 69, necessary adjustments shall be made and the sampling procedure repeated.
 4. Failure to provide acceptable test results according to IAC 567, Chapter 69 on two or more consecutive test dates shall void the existing permit if replacement of the system is necessary. A new permit shall be necessary for a replacement system.
- e. 69.5 (455B) Primary Treatment-Septic Tanks Warren County requires all full sized primary treatment tanks, pump tanks, and pretreatment tanks to be fitted with risers with a secure lid at or above final grade at the time of

pumping. Full sized primary septic tanks shall be fitted with an effluent filter meeting National Sanitary Foundation Standard 46.

- f. If the County performs the required sampling for meeting current NPDES requirements effective after January 1st, 2005, then the following fee(s) shall be collected by the Warren County Environmental Health Department.

Site Visit.....\$100.00
 Laboratory Fees for required test(s) from an accredited Laboratory.

- g. Any onsite septic system other than those system types described within IAC 567, Ch. 69 or this ordinance, that requires an NPDES Permit shall meet those requirements, as well as any agreements required by the Warren County Board of Health, including those permitted under a variance.
- h. All other discharging systems that require an NPDES General Permit #4, shall meet those requirements same as Intermittent Sand Filters, i.e. Peat Filters.

3. Permit Required. No person shall begin repair, construction, alteration, or reconstruction of any on-site wastewater treatment and disposal system for any purpose in the County without first having obtained a permit as set out in this chapter. The permit for repair, construction, alteration, or reconstruction of the on-site wastewater treatment and disposal system shall be obtained prior to the construction of or addition to any dwelling or building to be served by this system.

4. Update of Failed System. In the event an on-site wastewater treatment and disposal system should fail, or otherwise be found to cause a nuisance, and a public sanitary sewer is not available, said system shall be made to conform to these regulations.

31.04 PERMIT REQUIREMENTS.

- 1. Permit Application. Any person desiring a permit shall file with the County Sanitarian an application stating the owner’s name, property address, phone number, and other information as required by the Board of Health on the most current application form available at the office of the County Sanitarian.
- 2. Percolation Test or Soil Analysis. Warren County follows Iowa Administrative Code Section 567 Chapter 69.6(1) and Appendix B “Percolation Test Procedure” with the following exceptions.
 - a. The percolation test or soil analysis shall be certified by a registered professional engineer or soil scientist.
 - b. Warren County requires a four-hole percolation test so as to be more representative of the proposed lateral field.
 - c. Warren County requires an additional test hole 6 feet in depth or to rock, whichever occurs first, be provided in the center of the proposed absorption area to determine the location of ground water or rock

formations. The six foot test hole may be augured the same size as the percolation test holes or be made with a soil probe.

d. The lateral field shall be installed within no more than ten feet beyond the perimeter connecting the soil borings or four percolation test holes.

3. Sketch Required. The application shall also include a sketch of the property with approximate dimensions showing the dwelling served, the location of any wells within 100 feet of the system, as well as a sketch of the proposed system to be installed. Any deviation from the plans or specifications appearing on the application must be approved by the County Sanitarian.

4. Fee Requirement. Upon approval of the application by the County Sanitarian, the signed permit shall be issued upon payment of the required applicable fees made payable to Warren County Treasurer.

5. Permit Fees.	Installation of any type system.....	\$200.00
	Repair, Alteration, or Reconstruction	
	With a prior permit.....	\$ 50.00
	Without a prior permit.....	\$100.00
	Inspection of Existing System	
	With a prior permit.....	\$100.00
	Without a prior permit.....	\$150.00
	Extension permit.....	\$ 50.00

6. Valid Period. Permits shall have validity for a maximum of twelve (12) months from the time of issuance, during which time the on-site wastewater treatment and disposal system shall be completed. Percolation tests or Soil Analysis shall also be valid for one year after being conducted. An extension permit may be applied for to extend the validity of the septic permit, percolation test, or soil analysis for an additional year. The request and the \$50.00 permit fee must be received by the Warren County Environmental Health Department before the original permit or test expiration date. The final approval of the extension is then contingent upon a site inspection by the Warren County Environmental Health Department.

31.05 INSPECTION.

1. Notification. The County Sanitarian shall be notified orally by telephone, or in person, not less than twenty-four (24) hours, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except County observed holidays, before the work is to be inspected or tested.

2. Inspection. No part of any private sewage disposal system shall be used, covered, or constructed so as to deny the mandatory inspection by the County Sanitarian. An on-site

wastewater treatment and disposal system is considered ready for inspection when the house sewer, septic tank, distribution box, and secondary treatment are in place but not covered.

3. Inspection of Repair or Alteration to Existing Systems. If an existing on-site wastewater treatment and disposal system is being repaired, altered, reconstructed, or a new system is being installed to replace an existing system, the building to be served by this system shall be connected to the building sewer before final approval is given.
4. Drawing Required. When the on-site wastewater treatment and disposal system has been completed, a drawing shall be completed by the County Sanitarian showing the exact layout of the septic tank, all distribution boxes, the secondary treatment system, and location of the structure to be served by the system. This drawing shall have dimensions from two (2) fixed corners of the dwelling or structure or other permanent landmark to the center of the septic tank(s) and center of the distribution box(es). The location of all wells within 100 feet of the system must also be shown. A copy of such shall be provided to the owner upon request.

31.06 WATER LINE/UTILITY SERVICE LINES. No service water line or other service utility lines shall be installed within 10 feet, so as to interfere with and/or prohibit the installation or repair of an on-site wastewater treatment and disposal system.

31.07 WELLS. If an on-site wastewater treatment and disposal system is to be constructed, reconstructed, altered, or repaired and a well is located less than the minimum distance as set out in the Iowa Administrative Code Section 567, Chapter 69.1(6) Table I, then the well shall be abandoned and properly plugged. The well must be plugged according to rules established in the Iowa Administrative Code 567, Chapter 39, "Requirements for Properly Plugging Abandoned Wells."

31.08 VARIANCES. Variances to these regulations may be granted by the Board of Health provided sufficient information is afforded to substantiate the need and propriety for such action. Variances shall be requested in writing and addressed to the Board of Health. All decisions regarding this topic shall be issued in writing to the requestor.

- A. For a variance request a \$50.00 fee will be charged. In the situation the County Sanitarian recommends a variance to the Board of Health, the \$50.00 fee will be waived.

31.09 APPEAL. Any person who feels aggrieved by any notice or order made by the County Sanitarian or the Board of Health shall have the right to appeal to the Board of Supervisors at the next regular meeting.

31.10 REGISTERED CONTRACTOR. Any individual or firm, other than the homeowner, who installs, repairs, alters or maintains private onsite septic systems, in Warren County shall be required to be certified by the NEHA as administered by the IOWWA. The individual or firm must be in good standing of an Iowa On-Site Wastewater Association (IOWWA) certification as a Certified Installer of On-site Wastewater Treatment Systems, either Basic or Advanced levels. Continuing education credits to be defined by IOWWA requirements. All inspections of on-site wastewater treatment and disposal systems require that an IOWWA certified installer be on site during the inspection.

31.11 SPECIAL PENALTY. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$500.00 or by imprisonment of not more than 30 days. In addition thereto, such persons may be enjoined from continuing such violations. Each additional day of neglect or failure to comply with such provision, rule, or lawful order after notice of violation by the Board of Health shall constitute a separate offense.