

**POLK COUNTY BOARD OF HEALTH RULES AND
REGULATIONS
CHAPTER 1 - COMMERCIAL SEPTIC TANK CLEANERS**

1.1 Title, Purpose and Scope

1.1.1 Title

This code shall be known and may be cited as the “Polk County Commercial Septic Tank Cleaners Regulation”, except as referred to herein, where it shall be known as “this regulation”.

1.1.2 Purpose

This regulation provides standards for the commercial cleaning of and the disposal of waste from private sewage disposal systems, and licensing requirements and procedures. These rules govern the commercial cleaning of and the disposal of wastes from private sewage disposal systems in Polk County. **This regulation bans the land application of septage in Polk County and provides penalties.**

1.1.3 Scope

- a. Interpretation. In interpretation and application of this Regulation, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.
- b. Conflict. If any federal or state law or other existing code or regulation allows lesser regulation, this Regulation shall govern; if any federal or state law or local rule or ordinance requires greater regulation, the regulations imposed by that authority shall govern. Regardless of any provision of this Regulation, no land shall be developed or used in violation of state or federal law.
- c. Abrogation. This Regulation is not intended to repeal, abrogate, annul, impair or interfere with any existing public or private easement, covenant, deed restriction, agreement, rule, regulation, or permit previously adopted or issued pursuant to law.
- d. Severability. Should a court of competent jurisdiction hold any article, sentence, clause, phrase, or word of this Regulation void or invalid, such decision shall not affect, impair or invalidate the remaining parts of this Regulation which can be given effect without the void or invalid provision.
- e. Saving Provision. Except as may be expressly provided herein, this Regulation shall not be construed to abate any action now pending under

prior existing regulations; or as discontinuing, abating or modifying any penalty pursuant thereto; or as affecting the liability or rights of any person, firm or corporation or waiving or annulling any right of any jurisdiction, existing at the time of adoption of this Regulation or any amendment hereto.

f. General Rules.

1. Words not defined in this Regulation shall be given the meanings defined in Division 567, Chapter 68, of the Iowa Administrative Code and if not defined therein, their ordinary and common meaning.
2. Words used in the present tense include the future tense.
3. Words in the singular number include the plural number and words in the plural number include the singular number, unless otherwise indicated.
4. Words used in the male gender include the female gender.
5. The words “shall”, “will” and “must” are mandatory in nature, creating an obligation or duty to comply with the particular provision.
6. A reference to an Article shall mean an Article of this Regulation.

1.1.4 Enactment and Effective Date

This code is hereby adopted and shall become effective on July 1, 2007.

1.1.5 Definitions. Definitions used in this chapter are listed in alphabetical order as follows:

“Board of Health” means the Polk County Board of Supervisors.

“Board of Health Advisory Committee” means a committee appointed by the Board of Supervisors to act on certain delegated items pertaining to health.

“Cleaning” means removal of waste from private sewage disposal systems and other actions incidental to that removal.

“Commercial septic tank cleaner” means a person or firm engaged in the business of cleaning and disposing of waste from private sewage disposal systems, including a person or firm that owns and rents or leases portable toilets.

“Department” means the Polk County Public Works Department – Environmental Code Section or it’s subsequent authorized representative of the Polk County Board of Health.

“Health Officer” means any Environmental Health Specialist or Code Enforcement Officer designated by the Department or any other authorized representative of the Polk County Board of Health.

“Holding tank for wastes” means any receptacle for the retention or storage of wastes pending removal for further treatment or disposal.

“IAC” means the Iowa Administrative Code of Rules as Authorized by the Code of Iowa.

“Private sewage disposal systems” means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen individuals on a continuing basis. This includes, but is not limited to, septic tanks as defined in IAC 567—subrule 69.1(2); holding tanks for wastes; impervious vault toilets, portable toilets, and chemical toilets as described in 567—Chapter 69.15. of the Iowa Administrative Code.

“Publicly Owned Treatment Works (POTW)” means a facility or group of units owned or operated by a political subdivision used for the treatment of wastewater from public sewer systems and for the reduction and handling of solids removed from such wastes.

“Septage” means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or from a holding tank, when the system is cleaned or maintained.

“Tank” means any container which is placed on a vehicle to transport waste removed from a private waste facility.

“Toilet unit” means a portable or fixed tank or vessel holding untreated human waste without secondary wastewater treatment that is emptied for disposal. "Toilet unit" does not include a portable or fixed tank or vessel holding untreated human waste that is part of a recreational vehicle or marine vessel

“Vehicle” means a device used to transport a tank including a trailer.

“Waste” means human or animal excreta, water, scum, sludge, septage, and grease solids from private sewage disposal.

1.1.6. Regulation Adopted by Reference.

- a. Iowa Administrative Code, Division 567, Chapter 68, Commercial Septic Tank Cleaners Except to the extent modified by this Regulation, Division 567, Chapter 68 of the Iowa Administrative Code, the most current form of the regulation, of which a copy is on file in the Department, is hereby adopted by reference as the health regulation of Polk County for the protection of public health by providing standards for the commercial cleaning of and the disposal of waste from private sewage disposal systems, and licensing requirements for septic tank cleaners as part of the Iowa Administrative Code are hereby referred to, adopted and made a part hereof as if fully set out in this Regulation.
- b. Modifications. As adopted by reference above, the following modifications of Division 567, IAC Chapter 68, shall be effective:
 1. This regulation bans the land application of septage in Polk County.
 2. Penalties are consistent with Polk County Board of Health Rules and Regulations.

1.2 Licensing requirements

Commercial septic tank cleaners must annually apply for and obtain a license from the Iowa Department of Natural Resources before engaging in the commercial cleaning of and disposing of waste from any private sewage disposal system in the state of Iowa. License period will run from July 1 to June 30 of the following year. The commercial septic tank cleaner shall meet all requirements as provided in IAC 567-68(455B) in addition to requirements and restrictions as provided by this regulation.

1.2.1 License procedures.

Commercial septic tank cleaners must apply for a license as required by IAC 567 Chapter 68(455B) by completing a form provided by the Department of Natural Resources, License Bureau, Wallace Building, 502 E. 9th St., Des Moines, Iowa 50319. In the case of a commercial septic tank cleaner which is a corporation, partnership, association or any other business entity, the entity itself must apply as provided in this rule. The entity shall designate one person: a partner, officer, manager, supervisor, or other full-time employee to act as its representative for the purpose of applying for a license. Individuals employed by a commercial septic tank cleaner business are not required to be licensed but each cleaning unit (vehicle or tank) must have the license number (except for the year) displayed and a copy of the current license with the cleaning unit.

1.2.2 Septage disposal management plan

The applicant must submit as a part of the application a waste management plan as required to the Iowa Department of Natural Resources. This plan must also be submitted to the Polk County Board of Health or their designee.

This plan shall include:

- a. the volume of septage expected to be collected from private sewage disposal facilities,
- b. the volume of septage to be taken to permitted Publicly Owned Treatment Works,
- c. letter of acceptance from any Publicly Operated Treatment Works where waste is proposed to be disposed
- d. a list of vehicles to be registered and
- e. Previous years record of disposal as required IAC 68.6(3) and 68.10(2)c(4)
A license will be issued only after approval of the waste management plan. If the plan is not approved, it must be re-submitted.

1.2.4 License fees and renewal.

Fees shall be paid annually in the manner and amount required by IAC 567 Chapter 68.4(3).

In order to remain valid, a commercial septic tank cleaner license must be renewed by June 30 of each year. Renewal application must be made on a form provided by the Iowa Department of Natural Resources, and must be received or postmarked at least 30 days prior to the expiration date. The renewal application form must be accompanied by the license fee specified in IAC 567subrule 68.4(2), a copy of all waste disposal records as defined in IAC 68.6(3) for the previous year and a revised waste management plan.

1.2.5 Change in ownership.

Within 30 days of the change in ownership of any commercial septic tank cleaner, the new owner shall furnish the Iowa Department of Natural Resources with the following information: (1) name of business and license number; (2) name, address, and telephone number of new owner; and (3) date the change in ownership took place and any change in the waste management plan. The license will transfer with the ownership with no additional fee due until the next renewal date.

1.2.6 Change in address.

Within 30 days of any change in the address or location of the business this information must be reported to the Department.

1.2.7 Alteration of waste management plan.

An amended waste management plan must be submitted before any waste is taken to a Publicly Operated Treatment Works not listed on the plan.

1.3 Penalties

1.3.1 Suspension, revocation and denial of license.

The license may be Suspended, revoked or denied by the Iowa Department of Natural Resources in accordance with IAC 567 68.5 (455B)

1.3.2 Polk County Penalties

The Polk County Director of Public Works shall be authorized to issue Civil Penalties as allowed under Chapter 2 of Polk County Ordinances, Chapter II of the Polk County Board of Health Rules and Regulations and Iowa Code Chapter 331.307 for any one the following violations:

- a. A material misstatement of facts in a license application.
- b. A failure to provide the adequate license fee.
- c. A failure to provide and adhere to an approved waste management plan.
- d. A failure to satisfy the obligations of a commercial septic tank cleaner and the standards as provided in rules IAC 567 68.6(455B), 68.9(455B), and 68.10(455B).

- e. Land applying septage within Polk County.
- f. Failure or refusal to obtain a license as required to conduct the commercial cleaning and disposal of septage from any private sewage disposal system.
- g. Any violation of the rules of this regulation.

The Health Officer shall have the duty and responsibility of enforcing this regulation. Citations for violations of this regulation may be issued by the Health Officer as set forth in Polk County General Administrative Procedures for Citing County Infractions and Polk County Ordinance Number 19, as now or hereafter amended, or any other ordinance or state or county code provision authorizing county employees to issue citations for violations of Polk County ordinances and regulations.

Any person who violates any provision of this regulation or any lawful order issued pursuant hereto shall be guilty of a simple misdemeanor as provided in section 137.21 of the Code of Iowa. Each additional day of neglect or failure to comply with such regulation or lawful order after notice of violation by the Board of Health or Health Officer acting on behalf of said Board shall constitute a separate offense.

1.3.3 Civil penalties.

Polk County may assess civil penalties not to exceed \$750 per day for violations of this rule in accordance with Chapter 2 – Polk County Ordinances. Each section violated and each day that the violation continues constitutes a separate offense. Polk County may seek injunctive relief from the courts to prohibit further infractions.

Penalties sought under this section in no way preclude other government organizations from taking additional legal action under this or other State, Federal or Local Regulations.

- a. Previous Enforcement.** Nothing in this Regulation prohibits, suspends or modifies the continuation of any enforcement action commenced prior to the effective date of this Regulation or any amendment hereof, which may continue in accordance with the law or regulation under which such action was originally commenced.
- b. Remedies Cumulative.** All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violations.

- c. **Records.** The Department shall retain on file a signed copy of all permits, all approved and amended Plans, Certificates of Compliance and documents required by law.

1.3.4 Appeals.

- a. **Notice.** Any person who has been aggrieved by an order or decision of a Health Officer or the Department, may, within fifteen (15) days of the service or mailing of notice of such order, decision, or revocation, appeal to the Board of Health Advisory Committee by giving notice of appeal in writing stating the reasons such order, decision or revocation should be rescinded or modified. The appeal will be deemed taken when notice thereof is physically received by the Department.
- b. **Hearing.** The Department shall notify the appellant in writing of the date, time and place of the next regularly scheduled meeting of the Board of Health Advisory Committee, at which the appeal will be heard, unless the Board of Health Advisory Committee is scheduled to meet less than eight days following the Department's receipt of the notice of appeal, in which event the appeal may be heard at the next subsequent meeting.
- c. **Decision.** The Board of Health Advisory Committee may vote, by a simple majority of those members present, to modify or rescind said order, decision or revocation. If not modified or rescinded, the order, decision or revocation shall stand.
- d. **Board of Health.** Any person subject to a decision of the Board of Health Advisory Committee may appeal that decision to the Board of Health by written notice of appeal received by the Department within ten (10) days after the date of mailing of written notice of the Board of Health Advisory Committee decision, stating the reasons for requesting such decision be rescinded or modified. The Department shall within five (5) working days after receiving such appeal acknowledge the receipt in writing.
- e. **Action.** The Board of Health may, but need not, schedule a hearing on the appeal. If a hearing is held the Board of Health may vote, by simple majority of the quorum of members present, to modify or withdraw the original order, decision or revocation. If not modified or rescinded at such hearing, or if no Board of Health hearing is scheduled to take place on the appeal within thirty (30) days of the Department's receipt thereof, the order, decision or revocation shall stand.
- f. **Effective time.** Any order or decision subject to this Article shall remain in full force and effect from the time of issuance thereof until and unless modified or rescinded. Revocation of a Polk County Onsite Wastewater Treatment and Disposal System Contractor's License shall take effect upon expiration of any appeal period provided for in this Article, or as provided in section (e), above.

1.4 Licensee's obligations.

1.4.1 Supervision.

The licensee shall provide supervision for the removal and disposal of waste from private sewage disposal systems.

1.4.2 Standards.

The licensee shall meet the standards established in this chapter and IAC 567 chapters 68 and 69 (455B) for the cleaning of and disposal of waste from private sewage disposal systems. Excepting those standards pertaining to the land application of septage (which is prohibited).

1.4.3 Records.

The licensee shall maintain records of private sewage disposal systems cleaned and the location, method of waste disposal, and volume of septage disposed for each trip. Such records shall be maintained for a period of five years, and shall be made readily available upon request by the Polk County Board of Health or a Health Officer, as well as being submitted with the waste management plan.

1.4.4 County obligations.

The Polk County Board of Health shall enforce the standards and licensing requirements contained in this regulation and other referenced rules relating to the cleaning of private sewage disposal systems and disposal of waste from such facilities.

1.4.5 Equipment inspections.

All tank trucks and related storage and handling facilities for septage shall be inspected annually by the Iowa Department of Natural Resources or their agent to assure compliance with these rules.

1.5 Standards for commercial cleaning of private sewage disposal systems.

1.5.1 Vehicles, tanks and equipment.

For all vehicles, tanks, and equipment used in the commercial cleaning of private sewage disposal systems the licensee shall:

- a. Prevent the dripping, falling, spilling, leaking, or discharging of waste onto roads, rights-of-way or other public properties.
- b. Provide the equipment necessary for proper cleaning of private sewage disposal systems.
- c. Ensure proper construction and repair of cleaning equipment to allow easy cleaning and maintaining in an essentially rust-free and sanitary condition and appearance.

1.5.2 Septic tank cleaning.

Tanks shall be emptied of all waste. Sludge can be loosened by pumping liquid back into the tank or adding dilution water. The tank does not have to be washed out with fresh water, however no more than four inches of waste shall be left in the bottom.

1.5.3 Miscellaneous.

- a. Any tanks or equipment used for hauling waste from private sewage disposal systems shall not be used for hauling hazardous or toxic wastes as defined in IAC 567—Chapter 131, or other wastes detrimental to wastewater treatment plants; and shall not be used in a manner that would contaminate a potable water supply or endanger the food chain or public health.
- b. Pumps and associated piping shall be installed with watertight connections to prevent leakage.
- c. Agitation capability for use in cleaning private sewage disposal systems to disperse sludge and scum into the liquid for proper cleaning shall be provided.
- d. All vehicles shall display the license number (except for the year) assigned to the commercial septic tank cleaner with 3-inch or larger letters and numbers on the side of the tank or vehicle.
- e. The name and address of the license holder shall be prominently displayed on the side of the tank or vehicle in contrasting letters at least 3 inches high.
- f. A direct connection shall not be made between a potable water source and the tank or equipment on the vehicle.

1.5.4 Standards for disposal.

Waste from toilet units shall be disposed of by discharge to a Publicly Owned Treatment Works or other permitted wastewater treatment system with owner approval.

Septage from septic tanks or other types of private sewage disposal systems that normally discharge effluent for further treatment (such as mechanical/aerobic treatment tanks, siphon tanks or distribution boxes) shall be disposed of according to the following requirements:

- a. Discharge to a Publicly Owned Treatment Works or other permitted wastewater treatment system with owner approval.
- b. Discharge to permitted septage lagoons or septage drying beds with owner approval.
- c. Discharge (with owner approval) to a permitted sanitary landfill in accordance with IAC 567—Chapters 102 and 103 and the following requirements:
 - (1) Stabilize the septage by adding and thoroughly mixing sufficient lime to produce a mixture with a pH of 12.
 - (2) Provide a minimum of thirty minutes of contact time after mixing the lime with the septage prior to applying to the landfill.
- d. **Land application of septage is prohibited in Polk County.**
- e. **Land application of septage in other counties as part of an approved waste management plan shall be performed in accordance with the standards of IAC 567 Chapter 68 and 69 (455B).**

