

Chapter III. Onsite Wastewater Treatment and Disposal Systems

Adopted June 19, 2012. Effective on and after July 1, 2012.

3-1. Purpose, Scope and General Provisions.

- A. **Title.** This Chapter shall be known and may be cited as the “Polk County Onsite Wastewater Treatment and Disposal System Regulation”, except as referred to herein, where it shall be known as “this Regulation”.
- B. **Purpose.** The purpose of this Regulation is to provide minimum standards for the protection and safeguard of life, health, property and the general public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of all onsite wastewater treatment and disposal systems built within Polk County.
- C. **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.
- D. **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.
- E. **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.
- F. **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.
- G. **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.

3.2. Construction.

A. General Rules.

1. Words not defined in this Regulation shall be given the meanings defined in Division 567, Chapter 69, 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.

Chapter III. Onsite Wastewater Treatment and Disposal Systems

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.

B. Definitions. As used in this Regulation, the following words, terms or phrases have the meanings given:

Board of Health. The Polk County Board of Supervisors.

Class A Waterways in Polk County. Waterways include: The Des Moines River, Walnut Creek, The Raccoon River, Saylorville Lake, Big Creek Lake, Four-Mile Creek, Beaver Creek, Camp Creek, Skunk River, and any private or public recreational lake exceeding 1 acre in surface area.

Board of Health Advisory Committee. A committee appointed by the Board of Supervisors that has been delegated authority to act in certain cases related to health.

Contractor. A Person possessing a Polk County Onsite Wastewater Treatment and Disposal System Contractor’s License.

Department. The Polk County Public Works Department.

Effluent Filter. A filter placed in the effluent discharge line of the septic tank. This filter is designed to reduce solids escaping primary treatment and to extend the life of the lateral field or other secondary treatment system.

Engineer. This refers to a currently certified Licensed Professional Engineer as a person who by education, degree, and experience has displayed sufficient qualifications to make recommendations for the design of an onsite wastewater treatment and disposal system.

Failed System. An onsite wastewater treatment or disposal system serving property on which sewage wastewater is present upon the surface of the ground or serving a structure into which sewage wastewater is backed up or intermittently backs up.

Health Officer. An individual or position or his or her agent, designated by the Board of Health or the Department to enforce the requirements of this Regulation.

In-line Filters. A filter placed in the discharge lines of an onsite wastewater treatment and disposal system before the terminal discharge of effluent.

Multiple Pass Packed Bed Media Filter. This filter recirculates the wastewater through the media filter a number of times, allowing for continued filtering and increased bacterial decomposition.

Packed Bed Media Filter. A Packed Bed Media filter is used to provide secondary treatment of septic tank effluent. It consists of a watertight structure filled with uniformly sized media that is normally placed over an under drain system. The wastewater is dosed onto the surface of the media through a

Chapter III. Onsite Wastewater Treatment and Disposal Systems

distribution network and is allowed to percolate through the media to the under drain system. The under drain collects the filtrate and discharges the final effluent. Media suitability for use in a packed bed media filter shall be determined by the Health Officer.

Single Pass Packed Bed Media Filter. This is a filter that contains a media in which the wastewater enters the filter and exits after passing through the medium once. This is the simplest design of packed bed media filters.

Surface Discharging System. This is an onsite wastewater treatment system that by approved design and approved installation is intended and does discharge effluent from the system to the surface of the ground or into a waterway.

3-3. Regulation Adopted by Reference.

- A. Iowa Administrative Code, Division 567, Chapter 69, Private Sewage Disposal Systems.** Except to the extent modified by this Regulation, Division 567, Chapter 69 of the Iowa Administrative Code, as adopted and amended, in its most current form, a copy of which 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 protecting groundwater supplies from contamination by establishing uniform minimum standards and methods for onsite wastewater treatment and disposal systems. All regulations, provisions, conditions and terms of Division 567, Chapter 69 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, Chapter 69, shall be effective:
1. No part of an onsite wastewater treatment and disposal system shall be installed so as to interfere with or prohibit the installation of a Nonpublic Water Supply Well.
 2. IAC 567-69.1(2). "Administrative Authority" shall mean the Polk County Public Works Department.
 3. IAC 567-69.1(3), paragraph *a*. Subparagraphs (1) and (2) are deleted.
 4. IAC 567-69.9(5), Gravelless pipe systems, is deleted.
 5. IAC 567-69.14, No new mechanical aerobic wastewater treatment units are allowed to be installed in Polk County. Existing units shall be maintained operated and sampled in accordance with 567-69.14 6.IAC 69.8(3) c. New installations or replacements of septic tanks shall require the installation of an effluent filter in the primary tank. This filter is to be maintained according to manufacturer's specifications.
- C. Interpretation.** Any rule or regulation adopted by reference in this Regulation shall include any appendix of that regulation. A portion of the regulation labeled "commentary" or "explanation" or by a similar term shall be considered a statement of legislative intent, finding, purpose or explanation of the referenced provision and shall be treated as legislative history. Where provisions of a regulation adopted by reference and this Regulation conflict, this Regulation shall prevail.

Chapter III. Onsite Wastewater Treatment and Disposal Systems

3-4. Applicability.

- A. **New Construction.** All onsite wastewater treatment and disposal systems constructed, altered or extended within Polk County after the effective date of this Article shall comply with the requirements of this Regulation.
- B. **Existing Systems.** In the event an onsite wastewater treatment and disposal system that serves a building or place for human habitation is found to be inadequate, unsanitary, or is a failed system, the Department may declare this a public health nuisance; designate the property to be unfit for human habitation, or both. Any onsite wastewater treatment and disposal system in existence within Polk County before the effective date of this Article shall comply with the requirements of this Chapter as in effect at the time the system was constructed or last reconstructed, altered, rehabilitated or repaired, and shall comply with current provisions of this Regulation if, in the reasonable opinion of the Health Officer, a public health hazard exists.

3-5. Polk County Onsite Wastewater Treatment and Disposal System Contractor's License.

- A. **License required.** No person (including in that term any firm, corporation, partnership or other legal entity) shall install, reconstruct, maintain, alter or repair, or provide onsite services assisting in the installation, reconstruction, maintenance, alteration or repair, of any onsite wastewater treatment and disposal system on property within Polk County, Iowa, unless the person possesses a valid Polk County Onsite Wastewater Treatment and Disposal System Contractor's License (hereinafter "Contractor's License") or the work is performed for, and directly supervised by, a person to whom such a Contractor's License has been issued. Effective January 1, 2013. There are two tracks to obtain this license.
 - 1. **Certified Installers.** The contractor shall submit, with appropriate fees, proof of being a holder in good standing of an Iowa On-Site Wastewater Association or National Environmental Health Association (IOWWA or NEHA) credential as a Certified Installer of On-site Wastewater Treatment Systems (CIOWTS), either Basic or Advanced Levels. Continuing education is to be defined by IOWWA or NEHA Certification requirements. All work conducted for onsite wastewater treatment and disposal systems require that an IOWWA/NEHA Certified Installer supervise the work being conducted. All work shall be conducted according to this chapter.
 - 2. **Non-Certified Installers.** The second method of obtaining the license requires that in addition to submitting appropriate fees the not-certified installer meet the following conditions:
 - a. **Surety bond.** No Contractor's License shall be issued until the applicant has filed with the Department a completed Polk County, Iowa Surety Bond Form showing proof that the contractor is holding a \$15,000 surety bond issued by a surety company authorized to conduct business in the State of Iowa. A bond issued and filed with the Department must specify that it will remain in force and effect as to all acts of the principal for which a Contractor's license is required until the surety has terminated liability as to future acts and omissions of the principal by giving thirty days' prior written notice to the Department.
 - b. An application form for the Contractor's License and the Polk County, Iowa Surety Bond Form may be obtained from the Department and must be returned fully completed and accompanied by a nonrefundable application fee, payable to the Department, in an amount

Chapter III. Onsite Wastewater Treatment and Disposal Systems

prescribed by the Polk County Board of Supervisors. The application must be accompanied by either:

- c. Letters of recommendation from three clients or customers for whom the applicant has performed onsite wastewater treatment system construction, alteration or repair work within the 365 days prior to the contractor's license application date, together with evidence of final approved onsite wastewater treatment and disposal system permits, issued by an administrative authority within the State of Iowa comparable to the Department and having jurisdiction over the properties where the work was performed, pertaining to the work referenced in the letters of recommendation; or

Evidence of experience and performance, satisfactory to the Department, comparable to that described in subsection (1), above, which may include evidence of work properly performed pursuant to a contractor's license and permits issued by the Department prior to the effective date of this Article.

- d. Continuing education shall be consistent with that required for IOWWA or NEHA certified contractors.

B. Issue. The Department may issue a contractor's license valid through the following December 31st at such time as the Department is satisfied that:

1. The bond referenced in section (b), above, is in effect;
2. The applicant has demonstrated satisfactory experience and performance as described in subsection (a)(1) or (a)(2), above; and
3. The Department reasonably believes the applicant is aware of relevant rules and regulations as demonstrated by proof of attendance for at least sixteen hours of continuing education that may include any required classroom instruction conducted by The Department during the previous twelve month period. The Department may require Additional instruction if in the judgment of the health officer it would be beneficial.
4. Renewal of contractor's license may be made by the Department after a renewal application is received, accompanied by (1) the application fee then in effect; and (2) Proof of completion of continuing education equivalent to that required by the IOWWA/NEHA certified installers, conducted, sponsored or pre-approved by the Department, within the twelve month period prior to the renewal date. Continuing Education curricula submitted for pre-approval must include, but need not be limited to, subjects related to onsite wastewater treatment systems.

C. For Either Type of License:

1. License period and renewal. A contractor's license is valid for a period of twelve months beginning on January 1st, expired after December 31st, of each year. Renewal of a contractor's license may be made by the Department after a renewal application is received, accompanied by (1) the application fee then in effect; and (2) Proof of completion Of CEU's or continuation of CLOWTS credential.

D. Prior Licensees. All persons who possess a valid Polk County Onsite Wastewater Treatment and

Chapter III. Onsite Wastewater Treatment and Disposal Systems

Disposal System Contractor's License in effect on or within 120 days prior to the effective date of this Article may be issued an initial renewal license under this section upon application submitted within 90 days after the effective date of this article, accompanied by the renewal application fee and evidence satisfactory to the Department of compliance with section (d), above. Prior licenses expiring during the period July 1 through December 31, 2006, may be renewed for a period ending December 31, 2007.

- E. Revocation.** The Department may revoke a contractor's license if it finds that the licensee has violated any provision of this Regulation, including provisions incorporated by reference herein, or if it finds that the bond referenced in section (b), above, is not in effect. No person in whose name a revoked license was issued, and no person primarily responsible for operation of a legal entity in whose name a revoked license was issued, shall be issued a new license within a period of twelve months after the effective date of the revocation except on approval by the Board of Health.

3-6. Connections to approved sewer system.

- A. New system.** No on-site wastewater treatment and disposal system shall be installed, repaired, reconstructed or rehabilitated where a public sanitary sewer is available or where a local ordinance requires connection to a public system.
- B. Existing system.** When a public sanitary sewer becomes available, any building then served by an onsite wastewater treatment and disposal system shall be connected to the public sanitary sewer within a time and under conditions set by the Department.
- C. Availability.** A public sewer may be considered as not available when the public sewer, and any building or any exterior drainage facility connected thereto, is located more than 300 feet from all existing or proposed buildings and exterior drainage facilities on any lot or premises which abuts and is served by such public sewer, provided that final determination of availability shall be made by the Department.

3-7. System Selection.

- A. Conventional.** A conventional onsite wastewater treatment and disposal system including pressure dosed distribution shall always be the first choice for on-site wastewater treatment and disposal.
- B. At-grade.** If a conventional system does not meet the requirements of this Regulation then an "at-grade" onsite wastewater treatment and disposal system shall be installed. An At-grade system shall be designed by a licensed engineer.
- C. Mound.** If an "at-grade" system does not meet the requirements of this Regulation, then an above ground "mound system" may be used. The mound shall be designed by a licensed engineer.
- D. Filter.** If a mound system does not meet the requirements of this Regulation, then a sub-surface sand filter, a single pass packed bed media filter or a or a multiple pass packed bed media filter may be used.

Chapter III. Onsite Wastewater Treatment and Disposal Systems

- E. **Custom.** If a sub-surface sand filter or a Packed Bed Media filter does not meet the requirements of this Regulation, then an onsite wastewater treatment and disposal system shall be designed by a licensed engineer.
- F. All onsite wastewater systems shall meet the minimum requirements for treatment and effluent quality as established in Chapter 69 and This Chapter for the protection of environmental quality and public health.
- G. New or experimental systems shall be subject to the approval of the Health Officer and may be subject to payment of a review fee and other reasonable limitations to ensure the viability of the system.
- H. Commercial systems shall be designed by a licensed engineer. Commercial systems that service a business that is required to have a food service establishment license may be required to meet the requirements of the FOG Ordinance for grease control.

3-8. Permits and Construction Authorization.

- A. **Requirement.** A County permit and Construction Authorization shall be obtained prior to installation, construction, repair, modification, improvement or any other physical action taken with respect to an onsite wastewater treatment and disposal system unless a State permit is required and has been obtained. No onsite wastewater treatment and disposal system shall be installed, modified, improved or reconstructed until an application has been submitted, a permit has been issued by the Department and construction authorized by the Health Officer. The installation or other work shall be in accordance with this Regulation and the applicable permit. Any activity with respect to an onsite wastewater treatment and disposal system undertaken pursuant to a valid permit issued prior to the effective date of this Article may be completed in accordance with the terms and conditions of that permit. The Department shall act in coordination with National Pollutant Discharge Elimination System Permits issued by the Iowa Department of Natural Resources.
- B. **Exemptions.** The following activities are exempt from onsite wastewater treatment and disposal system permit requirements:
 - 1. State or federal government owned facilities.
 - 2. Emergency repairs when replacement and repair must take place under emergency conditions, provided a permit application is submitted the next working day.
- C. **Application.** Applications for onsite wastewater treatment and disposal system permits shall be made in accordance with this Section:
 - 1. Unless otherwise specified, all applications for permits under this Regulation shall be submitted by the property owner or an authorized agent, to the Department. The Department may require reasonable proof of agency from any person submitting an application as an agent.
 - 2. An application for a permit under this Regulation shall be submitted in such form, number of copies and format as required by the Department. If the permit application pertains to a repair of an existing treatment system which will not affect the configuration or capacity of the system, the application shall identify the Contractor who will perform or supervise the work.

Chapter III. Onsite Wastewater Treatment and Disposal Systems

3. A Floodplain Development Permit Application, if required, shall be submitted with the Permit Application. This application and accompanying reports and plans will be reviewed concurrently with the wastewater system application.
4. All applications for permits shall be submitted, reviewed, and processed in accordance with the requirements of this Regulation. Any permit issued other than in full compliance with this Regulation shall be void for all purposes *ab initio* and shall be surrendered to the Health Officer on demand.
5. When Construction Plans or Site Plans are required, approval of those plans will be a precondition to issuance of a permit. Except as otherwise allowed, zoning, floodplain, and subdivision regulations must be met prior to permit issuance.
6. An application to install, reconstruct or modify in any way an onsite wastewater treatment system in Polk County shall be accompanied by the results of a percolation test or a professional soil analysis, including the depth and description of any limiting layer, conducted or approved by a licensed professional Engineer licensed by the State of Iowa at the time of the application.
7. An application to reconstruct or modify an existing onsite wastewater treatment system shall contain sufficient information to ensure compliance with this regulation. The Health Officer shall determine if additional information is required.
8. Any permit for any onsite wastewater treatment and disposal system in connection with which a State or County access or entrance permit is also required shall not be issued until the entrance or access permit has been issued, unless otherwise provided by law, written policy or regulation.
9. A fee in an amount set by the Board of Supervisors shall accompany each application. No permit or certificate shall be issued unless and until all applicable charges and fees have been paid in full.
10. A federal, state, or local government, or subdivision or agency thereof, or a bona-fide educational organization, shall be exempt from payment of permit fees upon approval of the Health Officer, if it is shown that the onsite wastewater treatment and disposal system for which the permit may be issued will be used for a public purpose or program. All other requirements of this Regulation are applicable.
11. In the event construction, modification, reconstruction or work other than emergency repair of an onsite wastewater treatment and disposal system has commenced without a permit and Construction Authorization, an investigation fee of up to 50% of the permit fee may be applied to the permit fee at the discretion of the health officer.

D. Other approvals and violations.

1. Plot or Site Plans, if required, must be approved prior to issuance of any permit provided for in this Regulation.
2. For permit purposes, Final Plat recordation may be deferred on group developments but a Certificate of Occupancy may not be issued until all onsite wastewater treatment and disposal system requirements have been met, and a Certificate of Compliance has been issued, for the structure to which the Certificate of Occupancy pertains.

Chapter III. Onsite Wastewater Treatment and Disposal Systems

3. No permit shall be issued if any violation of Polk County Health Regulations, Building Codes, Zoning or Subdivision Ordinances exists on the property, except in case of the failure of an existing sewage system which may result in a hazard to public health if left unabated.
 4. Review of all plans may be concurrent.
- E. Permit Issuance.** A septic permit will be issued when the fees have been paid, the site of the system has been inspected, and percolation test or soil analysis submitted with the permit application has been reviewed. The permit will be issued by the Department authorizing the proposed system to be designed, the type of system and any conditions applicable to construction.
- F. Construction Authorization.** Except in the case of a repair not affecting the configuration or capacity of an existing system which complies with this regulation, no work on an onsite wastewater treatment and disposal system, or on any onsite part, portion or component thereof, shall commence until the application is approved, the permit for such work has been issued and Construction Authorization has been granted in writing by the Health Officer. Construction Authorization shall be granted when the Health Officer is satisfied that:
1. The system plan meets engineering requirements of the code, for example, that the percolation rates are adequate for the plan, that the seasonal high groundwater table has adequate separation from the disposal system, the soil type and compaction is correct(not in fill dirt) etc...;
 2. The distances to class "A" waterways are verified , if a discharging system is considered;
 3. If the proposed system is a discharging system that will be discharged over another's property, a copy of recorded easements is provided;
 4. A completed copy of the "Notice of Intent" of the application for the NPDES permit if a discharging system is being proposed shall be provided to the Department.
 5. The inspector has inspected the property on which the proposed work is to be performed and has advised the permit applicant of any additional requirements or conditions determined necessary;
 6. The Contractor who will perform or supervise the installation or other work has accepted responsibility for the proposed work and has submitted a system installation, reconstruction, modification or improvement design plan, which upon approval shall be deemed a part of the permit, and which shows the system type, location, references, distance to all structures and property lines and otherwise demonstrates that the proposed work will be in compliance with this Regulation and all conditions specified in the permit and
 7. With a proposed system requiring a design modification due to unforeseen circumstances, the septic contractor has notified the health officer and approval has been issued prior to installation of the system.
- G. Administrative Waiver.** The Health Officer may waive submission of required information elements of an application or permit, or supplementary information, when in his or her opinion such information is otherwise available or is not necessary to review an application. Variances from an approved onsite wastewater treatment and disposal system installation plan, design plan or permit specification must

Chapter III. Onsite Wastewater Treatment and Disposal Systems

be approved by the Health Officer before installation of the system, or departure from the previously approved plans, configuration or specifications, commences or continues.

H. Permit Expiration.

1. If work authorized by a permit has not begun within one year after the date of issuance thereof, such permit shall be expired and a new permit, consistent with all then-current provisions of this Regulation, shall be required.
2. If, after date of issuance, work authorized by a permit is discontinued or remains incomplete for a period of one (1) year after commencement, the permit shall immediately expire.
3. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

I. Refunds. Permit application fees may be refunded as follows:

1. The Department may authorize the full refund of any permit fee that was erroneously collected or paid. Refunds may, but need not, include fees for applications that were withdrawn before the permit was issued.
2. The Department may authorize refund of the permit fee, upon surrender of the permit, when no work has been done as authorized by an issued permit during an initial 180 day period following issuance.
3. The Department may authorize a partial refund of a permit fee, not to exceed 80 per cent thereof, if work has begun at any time but is subsequently discontinued; or if work is not begun within one year.
4. No permit application fee will be refunded more than one year after the permit was issued or more than one year after the application was filed if no permit was issued as a result of the application.

3-9. Protection of the System Absorption Area.

- A. **Barrier.** The property owner or his or her agent shall erect a physical barrier protecting the onsite wastewater treatment and disposal system disposal area before any construction begins on a building site. The barrier shall be clearly marked with warnings to keep the area undisturbed.
- B. **Notification.** It is the responsibility of the property owner or owner's agent to notify any building contractor that the area inside the barrier is to remain undisturbed.
- C. **Duration.** After the onsite wastewater treatment and disposal system is installed on the building site the physical barrier shall remain until such time as all of the construction on the building site is completed.
- D. **Stop-Work Order.** Immediate revocation of an onsite wastewater treatment and disposal system permit may result if the intended onsite sewage disposal area is disturbed. Revocation of the onsite wastewater system permit may result in a stop work order being issued by the Department.

Chapter III. Onsite Wastewater Treatment and Disposal Systems

- E. Area or system disturbance.** It shall be a violation of this Regulation to disturb the intended onsite wastewater treatment and disposal system area, or the onsite wastewater treatment and disposal system once it has been installed, in any manner likely to cause harm to the disposal area or the onsite wastewater treatment and disposal system.
- F. Debris.** No cut trees, timber, debris, contaminated soil, waste concrete, junk, rubbish, sewage, food waste, or garbage shall be buried, or left deposited on any private or public lot containing an onsite wastewater treatment and disposal system. During construction, waste materials shall be stored in a manner which prevents blowing on, or contamination of, adjoining lots and public rights-of-way.

3-10. Easements.

All drainage and utility easements will be kept free and clear of any buildings or other structures, including onsite wastewater treatment and disposal system components, if proper maintenance of either would interfere with proper maintenance of the other.

3-11. Certificate of Compliance.

A Certificate of Compliance shall be issued by the Health Officer as soon as practicable after completion of onsite wastewater treatment and disposal system installation, construction, reconstruction, modification or improvement. The onsite wastewater treatment and disposal system construction and use provided in the Certificate of Compliance will be only the use, arrangement, and construction set forth in approved plans and applications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Regulation.

- A. Inspection.** Installation, construction, reconstruction, modification or improvement of an onsite wastewater treatment and disposal system is not complete, and the onsite wastewater treatment and disposal system shall not be used for any purpose, until a final inspection has been conducted and a Certificate of Compliance has been issued by the Health Officer based on compliance with the requirements of this Regulation. Preliminary and intermediate inspections may be required by the Health Officer and no part of the onsite wastewater treatment and disposal system shall be covered or constructed so as to hinder, obstruct or deny a final inspection except to the extent authorized by the Health Officer. Prior to issuance of a Certificate of Compliance the Health Officer shall:
 1. The health officer shall complete an onsite inspection ensuring the installation is as approved for the proposed system. The inspection is to ensure that the system is installed as presented in the application, verifying the type of system, the depth of the system, and ensuring that other engineering criteria are met. Due to the large number of variables in the operation of an onsite sewage treatment system, an inspection by Polk County provides no guarantee of the successful operation of any system;
 2. By review of records, ensure compliance with all applicable provisions of related health codes;
 3. If required, ensure a Certificate of Flood-Proofing or Floor Elevation is presented and found correct;
 4. Ensure that all required on-site and off-site improvements have been completed, and that connection to all required utilities has been made; and

Chapter III. Onsite Wastewater Treatment and Disposal Systems

5. Draw or approve an "as built" schematic diagram of the system, improvements or modifications.
- B. Certificate Denial.** If a Certificate of Compliance is denied, the Health Officer shall state the reasons by preparing a written list of deficiencies, citing the provisions of this Regulation or other regulations upon which denial is based, and shall state whether a conditional permit, special permit, variance or other procedure may be required.
- C. Temporary Occupancy.** The Health Officer may allow Temporary Occupancy of a dwelling or structure or temporary use of an onsite wastewater treatment and disposal system prior to the completion of all construction, reconstruction, modification, alteration, or changes authorized by a permit issued pursuant to this Regulation if such occupancy will not endanger health or safety of the occupants or others.
1. Temporary Occupancy may be for such time period as the Health Officer deems appropriate to complete the work, but not to exceed one hundred eighty (180) days.
 2. If the work is not completed within the period of the Temporary Occupancy; the Health Officer shall notify the site property owner immediately. The owner shall cease use of the structure and of the system in question, and shall not resume such use, until a Certificate of Compliance has been issued. Failure to cease use shall subject the owner to civil penalties and other enforcement actions as a violation of this Regulation.

3-12. Inspections and Investigations.

The Health Officer shall have the right, upon presentation of proper credentials, or inspection warrant if necessary, to enter on any property or premises, public or private, within the jurisdiction of the Board of Health at any reasonable hour for the purposes of inspection, determination of plan compliance, or for the purpose of investigation of any complaint or alleged violation of this Regulation. The Health Officer shall have the power to conduct such investigation as the officer deems reasonably necessary to enforce and carry out duties as prescribed in this Regulation and the officer shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Regulation.

3-13. Administration.

- A. Violation.** Any of the following acts, either by the alleged violator or occurring on real property owned or controlled by the alleged violator with such person's knowledge or consent, shall be a violation of this Regulation and shall be subject to the enforcement remedies and penalties provided by this Regulation, by Chapter II, Nuisance Regulation, of the Polk County Local Board of Health Rules and Regulations, by Chapter 2 of the Polk County Code of Ordinances and by state law:
1. Engaging in any development, use, construction, remodeling, improvement, modification, repair or other activity of any nature of an onsite wastewater treatment and disposal system subject to this Regulation without a required permit, certificate, or other form of authorization as set forth herein.
 2. Conducting an activity of any nature, including but not limited to use of an onsite wastewater treatment and disposal system in any manner, in any way inconsistent with any approved plan,

Chapter III. Onsite Wastewater Treatment and Disposal Systems

permit, certificate, or other form of authorization granted for such activity.

3. Violation, by act or omission, of any term, variance or waiver, condition, or qualification placed by the Board of Health, Board of Health Advisory Committee, Department or Health Officer, or any authorized agent thereof, upon any required permit, certificate, or other form of authorization for the use, development, or other activity relating to an onsite wastewater treatment and disposal system or improvements thereof.
 4. Erecting, constructing, reconstructing, altering, repairing, converting, maintaining or using any building, structure, or land served by an onsite wastewater treatment and disposal system built, repaired, altered or improved in contravention of this Regulation, any other regulation incorporated by reference herein or any order of the Health Officer issued pursuant hereto.
- B. Questions.** Unless otherwise provided, all questions arising in connection with the enforcement of this Regulation shall be presented first to the Health Officer. All appeals from decisions of the Health Officer in connection with this Regulation shall be as prescribed herein.
- C. Enforcement.** When the Health Officer or an authorized employee of the Department finds a violation of this Regulation:
1. He or she shall notify the owner, owner's agent or person in possession or control of the property on which the alleged violation occurred or is occurring. Such notice shall be in writing unless the Health Officer or employee determines that an emergency situation exists, in which event oral notification shall be sufficient and the Health Officer's records shall reflect the nature of the emergency and the fact of oral notification.
 2. The owner, agent or other notified person shall immediately remedy the violation.
 3. If the owner or other person fails to comply, the Health Officer shall seek relief by following procedures in Chapter 2 of the Polk County Code of Ordinances or Chapter II of the Polk County Local Board of Health Rules and Regulations.
- D. Remedies.** In addition to any other remedy authorized by law, ordinance or regulation, any or all of the following may be used to enforce the provisions of this Regulation:
1. Any violation of this Regulation or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by appropriate proceeding pursuant to state law.
 2. The Department may withhold or deny any permit, certificate, or other form of authorization pertaining to any land on which there is an uncorrected violation of a provision of this Regulation.
 3. The Health Officer may condition the authorization of any permit or certificate upon the correction of a deficiency.
 4. The Health Officer may revoke approval of a permit or certificate by notifying the landowner or permit applicant in writing of the reason for the revocation. Reasons for revocation may include, but are not limited to, any of the following:

Chapter III. Onsite Wastewater Treatment and Disposal Systems

- a. Any substantial departure from the approved application, plans, or specifications;
- b. Refusal or failure to comply with the requirements of state or local laws or regulations;
- c. False statements or misrepresentations made in securing permit approval.

E. Penalties. Any violation of this Regulation is a County misdemeanor and a Health Nuisance as provided by Chapter 2 of the Polk County Code of Ordinances or Chapter II of the Polk County Board of Health Rules and Regulations or both. The owner of any land or part thereof; and any occupant, contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Regulation shall be responsible for the violation and subject to the remedies herein provided.

F. 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.

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.

G. Records. The Department shall retain on file a signed copy of all Permits, all approved and amended Plans, all Flood Elevation Certificates and Flood Proofing Certificates, Certificates of Compliance and documents required by law.

3-14. Appeals.

A. Notice. Any person who has been aggrieved by an order or decision of a Health Officer or the Department, or any person whose Polk County Onsite Wastewater Treatment and Disposal System Contractor's License has been revoked by 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

Chapter III. Onsite Wastewater Treatment and Disposal Systems

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.