

## CHAPTER 44

# ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS

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

1. “Alteration or Construction” means all private sewage disposal systems constructed or altered after the effective date of these rules shall comply with these requirements. Alteration includes any changes that effect the treatment or disposal of the waste. Repair of existing components that does not change the treatment or disposal would be exempt. However, the discharge restrictions in 44.02 (1) would always apply
2. “County Sanitarian” means the Marion County Sanitarian.
3. “Department” means the Iowa Department of Natural Resources.
4. “Dwelling” means a place for human habitation.
5. “Non-discharging system” means any non-subsurface soil absorption type system described in IAC 567, Ch. 69, which is followed by a suitable soil absorption system reduced by 50% capacity; determined by soil analysis or percolation test.
6. “NPDES” means National Pollutant Discharge Elimination System.
7. “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 includes all definitions in Section 657.2 of the Code of Iowa.
8. “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.
9. “Reconstruction” means the action of reconstructing; i.e., the act of constructing again; re-establishing; reassembling.

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. “Soil scientist” means an individual who 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.

All terms used herein which are defined in Chapter 69 of the Iowa Administrative Code 567 shall be defined the same for these regulations.

#### **44.02 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 of differences between Iowa Administrative Code 567, Chapter 69, and changes and additions adopted by the Marion County Board of Health and the Marion County Board of Supervisors.

a. 69.9 Intermittent Sand Filters.

- (1) Effluent samples shall be collected annually according to current NPDES permit and submitted to an accredited laboratory, and sample results shall be submitted to the Marion County Environmental Health Department no later than September 1 of each calendar year. 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 Marion County Environmental Health office, indicating that observation.
- (2) If the analysis is above the acceptable limits according to IAC 567, Chapter 69, necessary adjustments shall be made and the sampling procedure repeated within 3 months.
  - (3) 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.
- b. All discharging systems must be tested by a qualified sampler.
- c. Mechanical Aerobic Systems. (MAS)
- (1) For systems installed after the effective date of this chapter, Marion County requires a pre-tank of at least 500 gallon minimum size or current IAC 567, Chapter 69 requirements.
  - (2) All maintenance agreements submitted must be original or notarized copies.
  - (3) Sampling of mechanical aerobic units shall follow requirements outlined in Iowa Administration Code Section 567 Chapter 69 and current NPDES General Permit #4 with these additions:

Samples will be analyzed by an accredited laboratory. Marion County will require all mechanical aerobic systems REGARDLESS OF ISSUANCE OF NPDES General Permit #4 to be sampled at the time of each inspection, spring and fall for CBOD and TSS. MAS that require a current NPDES General Permit #4 will adhere first to the conditions of such permit. 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 Marion County Environmental Health office, indicating that observation.

Results should be immediately reported to the Marion County Sanitarian but no later than July 1 and December 31 of each year.

If the analysis is above the acceptable limits according to current NPDES requirements, necessary adjustments shall be made and the sampling procedure repeated.

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

- d. 69.5 (455B) Primary Treatment-Septic Tanks. Marion 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. Full sized primary septic tanks shall be fitted with an effluent filter meeting National Sanitary Foundation Standard 46.
  - e. If the County performs the required sampling or orders sampling by a qualified sampler for meeting the most current NPDES requirements then fees set by the Marion County Board of Health shall be collected by the Marion County Environmental Health Department, including all laboratory fees associated with the required test.
  - f. Any onsite septic system other than those system types described within IAC 567, Ch. 69, or this chapter, that requires an NPDES Permit shall meet those requirements, as well as any agreements required by the Marion County Board of Health, including those permitted under a variance.
  - g. All other discharging systems that require an NPDES General Permit #4, shall meet those requirements.
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.

**44.03 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. Marion County follows Iowa Administrative Code Section 567 Chapter 69 Appendix B "Percolation Test Procedure" with the following exceptions.
  1. The percolation test or soil analysis must be certified by a registered professional engineer or soil scientist.
  2. Marion County requires a four-hole percolation test or soil analysis so as to be more representative of the proposed lateral field.
  3. Marion 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.
  4. The lateral field must 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 on the property, the location of any wells on neighboring property 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. Prior to issuance of a onsite waste water permit, the site shall be assessed after completion of the percolation test or soil analysis by the department or at the discretion of the administrative authority..
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 Marion County Treasurer.
5. Permit fees will be set by the Marion County Board of Health.
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 receipt of such test within the Marion County Environmental Health Department. Any extension of the valid percolation test or permit period may be approved by the County Sanitarian and proposed installation site shall be subject to re-evaluation and a fee set by the Marion County Board of Health will be collected.

**44.04 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 boxes. Digital photos will also be taken of pertinent features and kept in the office of the Health Department. 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.

**44.05 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.

**44.06 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, 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, and “Requirements for Properly Plugging Abandoned Wells.”

**44.07 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. For a variance request a fee set by the Marion County Board of Health will be charged. In the situation the County Sanitarian recommends a variance to the Board of Health, the fee will be waived.

**44.08 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.

**44.09 REGISTERED CONTRACTOR.** Any individual or firm, other than the homeowner, who installs, repairs, alters or maintains private onsite septic systems, in Marion County shall be required to comply with Marion County Code of Ordinances, Chapter 46 in its entirety.

**44.10 COUNTY INFRACTIONS.** The provisions of Chapter 1.11 of the Marion County Code of Ordinances shall be applicable for enforcement of any or all violations to this Chapter and Ordinance.

*(Ch. 44 – Ord. 6 – Jul. 09 Supp.)*

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