

Environmental Health report to the Board of Health  
April 12, 2016

**15-16 Fiscal Year Well Program:**

Water tests: 76 (compared to 85 at this time last year)

Well permits: 8 (9 at this time last year)

Well closings: 13 (3 at this time last year)

Rehabilitated: 3 (6 at this time last year)

The 2014 – 2015 Grants to Counties well program is \$26,530. We have spent \$17,505.56 or about 65% of total grant awarded to-date.

**Septic**

Permits: I have issued 12 permits in 2016 so far (compared to 5 at this time last year). Starting to get busy with site evaluations with only two installs so far this year – one for the storage facility outside of Shell Rock and leach field for new house where tank was installed last winter on Hwy 3. Just out of curiosity, I put together the attached graph showing septic installs by Township.

Licensed Contractors: 27 licensed contractors so far this year.

Septic Issues:

- **Complaints:** I have been working with the County Attorney on filing complaints against Clint DeGroote for failure to replace a failing septic system uncovered during a Time of Transfer Inspection per his agreement signed with the County on January 17, 2014; Falcon Resources/James Hansel for failure to install a new system per his agreement signed with the County on September 23, 2013; and Ricky Freerks for failure to maintain his alternative septic system since 2011 – an ongoing issue Mike also had with this property owner.

**UPDATE 4/12/16:** DeGroote and Freerks both pleaded guilty and were fined \$65.00. DeGroote came in and got his septic permit and has a contractor lined up, but installation has not occurred yet. Freerks never contacted me. County Attorney advises that he will send him a letter giving him a deadline to maintain system before filing another complaint. Falcon Resources/James Hansel pleaded not guilty and his hearing is scheduled for tomorrow morning but Marty Peterson is working on a settlement with him.

- **New House Construction.** I found a house outside of Dumont that is almost complete. It is in city limits but I checked with the city to see if it was hooked to city sewer and it is

not. I sent the property owner a letter letting him know he needed to put in a septic system. He called after receiving the letter and advised that he hooked into his old system that consisted of a tank and open discharge. I went through the rules regarding illegal discharges, etc., and he informed me that he couldn't afford to put in a system because the house was already over budget so he would just worry about it next year. I asked him how soon until he planned to move in and found out he was moving in within the next couple of weeks and I advised that the system would need to be installed before he moved in or I would need to send him a notice and eventually file a complaint. He told me to go ahead but he still didn't plan to do it until next year. After sending the notice, he called again and told me he realizes it needs to be done and asked for an extension to mid-summer if he got his septic permit on file. This would allow him to do some grade work, etc. I told him as long as we were working towards putting in a system sooner rather than later, I would be ok with a mid-summer install.

- Aredale/Duck's Bar & Grill: See email and proposed letter to City of Aredale RE unsewered community issue.

**BUTLER COUNTY PUBLIC HEALTH**  
**MISTY KROEZE**  
**Environmental Health Specialist**  
**Courthouse, Box 325**  
**Allison, Iowa 50602**  
**Phone: 319-267-2934 Fax: 319-267-2113**  
**E-MAIL: [mkroeze@butlercoiowa.org](mailto:mkroeze@butlercoiowa.org)**

April 12, 2016

City of Aredale

RE: Private Sewer Systems

Dear Mayor & City Council,

I've been working with Mr. Dave Henderson concerning Duck's Bar & Grill and it has brought about some questions regarding the unsewered community status and the County's role regarding the illegal discharge in Aredale. After consulting with the DNR Field Office in Mason City, I learned that your community was classified as a poverty level community, meaning the DNR will never force your community to install a community sewer system, however, they fully expect the County to enforce time of transfer upgrades.

It was also brought to my attention that several properties within Aredale have actually transferred by Quit Claim Deeds without updating the septic system. Technically Quit Claim Deed transactions are exempt from Time of Transfer Inspection requirements, however, Time of Transfer Inspections were designed to be a means of discovery for illegal and inadequate systems, it does not mean that a property owner is exempt from the illegal discharge requirements as outlined in Chapter 567-69.1(3) and 567-69.2(1)(a). In visiting with Dan Olson who oversees the wastewater code for the DNR referenced above, he verified that if I know about an illegal discharge I should be requiring repairs/updates regardless of the Time of Transfer exemption status and even though the DNR is not forcing the community sewer issue, the individual property owners are still in violation of Iowa Code Chapter 567-69 and the County would have authority to require updates on each individual home owner.

I certainly do not want to come into this community and send notices of violation to everyone. What I do want to do is have the opportunity to form a partnership with your community to work towards a viable solution, not only to be compliant with State and local regulations, but to also work towards protecting our ground and surface water. I want to start off by visiting with you about the importance of properly treating wastewater and why this issue should be a concern for everyone. As you know, we are in a society that uses a lot of products ranging from cleaning agents, soaps and conditioners, face cleaners, hair products, laundry soap, dish soap, and many more with little thought of where these products are going once they go

down the drain. We as a society are also using many more medications and supplements than ever before, which are residual in our urine and excrement along with the disease-causing pathogens people are sick with. Without properly treating the wastewater, we are sending these things directly to our waterways and in many cases even contaminating drinking wells. Many of the products we are using contain phosphorus and wastewater is also high in nitrates, which are the primary causes for fish kills and algal blooms. Not to mention, they are starting to find evidence of certain medications in our lakes and rivers. Proper secondary treatment of wastewater following the septic tank is very effective in removing the residual products and medications, pathogens and nitrates before reaching our ground and surface waters.

I do realize that the cost of installing private septic systems can be very costly and many people do not have the means to fund a new system. However, I spoke with Kristy Wildung from Central Iowa Water concerning your community. Central Iowa Water is probably best known for their rural water services, however, they also deal with unsewered communities that lack the funds and means to sewer their communities. Ms. Wildung would be able to meet with your community, perform an evaluation of what the best route to sewer the community would be, and provide a plan all at no cost to the community or individual property owners. They would then apply for loans and grants to fund the sewer project and they would bear the entire debt. The individual property owners would then pay a monthly fee similar to a sewer bill to Central Iowa Water, which can average around \$55 per month depending on what solution we can come up with. Ms. Wildung and I would like to set up a meeting with your community to give her an opportunity to discuss how the process would work, as well as answer any questions you may have. After spending a lengthy amount of time researching the different funding opportunities, it became quite evident that a third party "lender" would need to be involved in order to make this project feasible and Central Iowa Water is already set up to be that third party. I think this is an excellent opportunity that would release your citizens from a costly burden they would otherwise be forced to deal with on their own. I am hoping we could set up a meeting in the next few weeks to get the ball rolling. I will plan to follow up with you to arrange a date, time and location for this in the near future.

Sincerely,

Misty Kroeze  
Environmental Health Specialist

## Misty Kroeze

---

**From:** Misty Kroeze  
**Sent:** Tuesday, April 05, 2016 12:40 PM  
**To:** Jennifer Becker  
**Subject:** RE: Note

I've been working with Duck's Bar and Grill in Aredale on installing a new septic system due to them wanting to sell the bar. Because of the location of the well and small lot size, they were going to have to install an alternative septic system and because of the nature of the business and what all would be required for the system, they were looking at a pretty expensive system. Due to the cost and some issues with the well that we will also discuss at the meeting, they have had several buyers back out and the owner questioned me as to whether he would be forced to put in a new system if he opened back up instead of selling. I was under the impression that the DNR was working with them on a timeline to have all buildings put on private septic systems, which is what they are doing with Bristow, so I told the owner I would check with DNR but that he would be required to do it at some point either way. After talking with the DNR Field Office in Mason City, I learned that Aredale had been classified as a poverty community and they made the determination that they would not force the community to do anything but that the County would be enforcing time of sale upgrades. This is something I have already been doing but the fact that DNR would not require any timeline to have all properties up to code is something they had failed to communicate to me.

In the meantime, John Zimmerman had been calling me about some properties that had transferred by quit claim deeds and wondering why the bar had to upgrade but these people did not. Since I only get a copy of the Groundwater Hazard Statements and since quit claim deeds don't require the Groundwater Hazard Statement to accompany them, I was unaware that these transfers had taken place. I am now having the recorder send me all transfers to rectify this issue. I then began wondering what exactly my role should be since I know there is an illegal discharge and although quit claim deeds are exempt from the inspection requirement they are not exempt from having an illegal discharge, which is what I tell everyone. I emailed Dan Olson with the private septic side of DNR and he verified that time of transfer was a means to discovering illegal and inadequate systems and the discharge restriction always apply and if I know of an illegal discharge I should be requiring an update regardless of the exemption. If the time of transfer requirements in Chapter 69 are being enforced by the County, the County has every authority (and by right) should be enforcing the illegal discharge requirements as well.

Because we have every right to enforce the discharge issue and because of the questions of the fairness of one property updating while another was not, I decided to look at ways to work with the community knowing that there was funding out their if the community took charge instead of forcing their citizens to do it on their own. Through my research of funding opportunities, it became evident that a third party "lender" would need to be involved and I remember visiting with Central Iowa Water about working with communities on sewer projects. Upon contacting them, I found a great opportunity for this community which I have outlined in the attached letter. If it is successful, we could maybe utilize it for Kesley, Austinville and maybe even Bristow although we have no enforcement with Bristow other than time of sale because they do have a timeline with DNR. The thing to keep in mind is that these illegal discharges were outlawed in the 1960s/70s and the County made a local ordinance also outlawing illegal discharges in 1990. Here we are 26 years later after adopting our local ordinance with little progress in these communities, mostly because I think we never knew what our role really was and because we always turned a blind eye to it knowing the property owners have little resources and it really is an enforcement nightmare. Mr. Zimmerman's and Mr. Henderson's (bar owner) inquiries really brought this all to light and I'm not really sure we have any other options but to move forward. At least we can try to work on a feasible solution for these communities to bring them into compliance with State and local regulations, but also work towards the bigger goal of improving water quality for future generations at a price that is affordable if they work together vs. making each property owner do it on their own.

Misty

