CHAPTER 68
COMMERCIAL SEPTIC TANK CLEANERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/18/30

567—68.1(455B) Purpose, applicability, and definitions.

68.1(1) The purpose of this chapter is to implement Iowa Code sections 455B.172(5), 455B.172(6), and 455B.172A by providing standards for the commercial cleaning and disposal of waste from private sewage disposal systems (PSDSs) and toilet units and wastewater from on-farm food processing operations and by providing licensing requirements and procedures.

68.1(2) Definitions. For purposes of this chapter, the following definitions apply:

"Cleaning" means removal of waste from PSDSs 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 PSDSs, including a person or firm that owns and rents or leases portable toilets.

"Food commodity" is defined in Iowa Code section 455B.171(8).

"Holding tank for waste" is defined in 567—subrule 69.1(2).

"On-farm processing operation" is defined in Iowa Code section 455B.171(18). "On-farm processing operation" does not include food commodities processed by a person exclusively for use by the person and members of the person's household or the person's nonpaying guests and employees.

"Tank" means any container that is placed on a vehicle to transport waste removed from a private waste facility.

"Toilet unit" is defined in Iowa Code section 455B.171(37).

"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 PSDSs or toilet units.

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567—68.2(455B) Commercial septic tank and toilet unit cleaner licensing requirements and procedures.

68.2(1) *General.* Commercial septic tank and toilet unit cleaners must annually apply for and obtain a license from the department before engaging in the commercial cleaning of and disposal of septage from any PSDS or the commercial cleaning and disposal of wastes from any toilet unit in the state of Iowa. The license period will run from July 1 to June 30 of the following year. Owners of a septic tank may clean their own tank without being licensed if all other requirements of this chapter are met.

68.2(2) *Application for license.* A commercial septic tank or toilet unit cleaner must apply for a license by completing a department form and submitting it to the department with an annual septage disposal management plan (SDMP) and license fee. In the case of a commercial septic tank cleaner that is a corporation, partnership, association, or any other business entity, the entity itself must apply as provided in this rule. The entity shall designate a person with requisite authority to act as its representative when applying for a license. Individuals employed by a commercial septic tank or toilet unit cleaner business are not required to be licensed, but each cleaning unit (vehicle or tank) must display the business license number (except for the year).

68.2(3) *Septage disposal management plan (SDMP).* An applicant must submit an SDMP with a license application using a department form. Applicants must also submit the SDMP to the county board of health in each county where septage is to be land applied.

a. An SDMP shall include:

(1) A list of vehicles to be registered for use by the licensee.

(2) The volume of septage expected to be collected from PSDSs or toilet units.

(3) For disposal to another system, including a publicly owned treatment works (POTW), a different permitted wastewater disposal system (DS), a permitted septage lagoon or septage drying bed, or a permitted sanitary landfill:

1. The volume of septage or waste to be taken to each system; and

2. A letter of acceptance from the owner of each system where septage or waste is proposed to be disposed.

(4) For septage disposal by land application:

1. The location and area of all sites where septage is to be land applied;
2. The anticipated volume of septage applied to each site;
3. The type of crop to be planted on each site and the date when planting will occur; and
4. The type of land application to be used at each site.

b. Allowance may be made in an SDMP for septage application on the property of the owner of the tank being pumped as long as the disposal standards of this chapter are met.

c. A license will be issued only after department approval of the SDMP. If the SDMP is not approved by the department, it must be modified and resubmitted.

68.2(4) *SDMP alteration.* An amended SDMP must be submitted to the department and the county before septage is land applied to any new property not listed in the existing SDMP, or septage is taken to a system not listed in the SDMP.

68.2(5) *License fees.*

a. Renewal fees. The renewal application fee is $150 per year for the first registered vehicle and $50 for each additional vehicle. If an applicant intends to land apply any septage during the year, there will be an additional application fee of $7 per 1,000 gallons of septage to be land applied per year. Land application fees shall be based on the previous year's records.

b. New license fees. New license applicants will be charged the following fees:

(1) Applicants who propose to land apply shall pay a prorated $300 annual fee until the next June 30.

(2) Applicants will be charged fees of $150 for the first registered vehicle and $50 for each additional vehicle.

68.2(6) *License renewal.* In order to remain valid, a license must be renewed by June 30 of each year. Renewal applications must meet the requirements of this rule and be received by the department at least 30 days prior to the expiration date.

68.2(7) *Ownership change.* Within 30 days of a change in ownership of any commercial septic tank or toilet unit cleaner, the new owner shall furnish the department with the following information:

a. Business name and license number;
b. Name, address, email address, and telephone number of the new owner;
c. Date of the ownership change; and
d. Any change in the SDMP.

The license will transfer with the ownership with no additional fee.

68.2(8) *Address change.* Within 30 days of any change in the address or location of a commercial septic tank or toilet unit cleaning business, information regarding such change must be reported to the department.

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567—68.3(455B) License suspension, revocation and denial.

68.3(1) *Basis for suspension, revocation, and denial.* The department may suspend, revoke, or deny a commercial septic tank or toilet unit cleaner license for any of the following reasons:

a. A material misstatement of facts in a license application.
b. Failure to provide the license fee.
c. Failure to provide and adhere to an approved SDMP.
d. Failure to satisfy the requirements of this chapter.
e. Failure to pay any fines assessed under 68.3(2).

68.3(2) *Civil penalties.* The department may assess civil penalties pursuant to Iowa Code section 455B.172.

68.3(3) *Appeal.* A commercial septic tank or toilet unit cleaner may appeal the suspension, revocation, or denial of a license under the provisions of 567—Chapter 7.

68.3(4) *Reinstatement.* In the case of a denial, revocation, or suspension pursuant to 68.3(1)*"b"* or *"e,"* the department may immediately reinstate or issue a license after receipt of the requisite fee or fine and confirmation that the commercial septic tank or toilet unit cleaner is fulfilling the requirements of

567—68.4(455B) and 567—68.6(455B). In case of a denial, revocation or suspension pursuant to 68.3(1) *"a,""c,"* or *"d,"* the department may reinstate or issue a license no sooner than 60 days after the action if the department is satisfied that the commercial septic tank or toilet unit cleaner has corrected the deficiency and will comply with department rules in the future.
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567—68.4(455B) Licensee and county obligations.

68.4(1) *Licensee obligations.* A licensee shall:

a. Supervise the removal and disposal of septage from PSDSs or waste from toilet units;

b. Meet the standards established in this chapter for the cleaning of and disposal of septage from PSDSs or waste from toilet units; and

c. Record the location of all cleaned PSDSs or toilet units, the method of septage or waste disposal, and the volume of septage or waste disposed of for each trip. Such records shall be maintained for five years and shall be made readily available upon request by an administrative authority.

68.4(2) *County obligations.* The county boards of health shall enforce the standards and licensing requirements in this chapter and other referenced rules.
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567—68.5(455B) Application sites and equipment inspections. All land application sites specified on an SDMP shall be inspected annually by a department-approved agent to ensure that the sites meet the requirements for septage disposal and are properly managed. All vehicles, tanks, and related storage and handling facilities for septage shall be inspected annually to ensure compliance with these rules. The department may contract with other entities, such as the county boards of health, to carry out inspections. However, the department shall retain concurrent authority to determine inspection requirements.
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567—68.6(455B) Standards for commercial cleaning of PSDSs and toilet units.

68.6(1) *Vehicles, tanks, and equipment.* For all vehicles, tanks, and equipment used in the commercial cleaning of PSDSs and toilet units, the licensee shall:

a. Prevent the dripping, falling, spilling, leaking, or discharging of septage or waste onto roads, rights-of-way, or other public properties;

b. Provide the necessary equipment to properly clean PSDSs or toilet units and to sufficiently agitate and disperse solids, sludge, and scum into the liquid for cleaning;

c. Install pumps and associated piping with watertight connections to prevent leakage;

d. Ensure that equipment can easily be cleaned and is maintained in an essentially rust-free and sanitary condition;

e. If septage is to be land applied, provide a mechanism for properly mixing lime with the septage or a means to incorporate or inject the septage; and

f. Prominently display the license number and name of the commercial septic tank or toilet unit cleaner on the side of all vehicles or tanks in letters and numbers at least three inches high.

68.6(2) *Miscellaneous.*

a. Any tanks or equipment used for hauling septage or waste shall not be:

(1) Used to haul hazardous or toxic wastes as defined in 567—Chapter 131;

(2) Used to haul wastes detrimental to land application or wastewater treatment plants;

(3) Used in a manner that would contaminate a potable water supply; or

(4) Used in a manner that would endanger the food chain or public health.

b. A direct connection shall not be made between a potable water source and a tank or equipment on a vehicle.
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567—68.7(455B) Standards for septage and waste disposal. Septage from PSDSs and on-farm processing operations and waste from toilet units and holding tanks shall be disposed of in accordance with this rule.

68.7(1) Waste from toilet units and holding tanks shall be disposed of by discharge, with owner approval, to a POTW or other department-permitted wastewater disposal system. Land application of wastes from toilet units or holding tanks is prohibited.

68.7(2) Septage from septic tanks or other types of PSDSs that normally discharge effluent for further treatment shall be disposed of by one or more of the following methods:

a. Septage may be discharged, with system owner approval, to any of the following systems:

(1) To a POTW or other department-permitted wastewater disposal system.

(2) To permitted septage lagoons or septage drying beds.

(3) To a permitted sanitary landfill in accordance with 567—Chapters 102 and 103 and the following requirements:

1. Septage shall be stabilized by adding and thoroughly mixing sufficient lime to produce a mixture with a pH of 12.

2. A minimum of 30 minutes of contact time shall be provided after mixing the lime with the septage prior to discharging to the landfill.

b. Septage from PSDSs and on-farm processing operations may be land applied when such applications are conducted in accordance with the following requirements:

(1) Land application rate. The maximum application rate is 30,000 gallons of septage per acre of cropland per 365-day period. The nitrogen application rate shall be no more than is utilized by the crop. A crop capable of using the nitrogen applied must be grown and harvested from the site after application of the maximum annual allocation or, at a minimum, every third year.

(2) Land application site restrictions.

1. Sites shall have soil pH maintained above 6.0 unless crops prefer soils with lower pH conditions. If the soil pH is below 6.0, agricultural lime may be used to increase the pH to an acceptable level. Soil pH shall be measured and reported in the annual SDMP.

2. If application on frozen or snow-covered ground is necessary, it shall be limited to land areas of less than 5 percent slope and application rates of less than 2,500 gallons per acre per day.

3. If septage is land applied to land in a floodplain with a ten-year magnitude, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours. Information on which land is in a floodplain with a ten-year magnitude is available from the department.

4. Septage shall be land applied in accordance with the separation distances in Table I in 567—paragraph 60.2(2)*"c."* If septage is land applied within 200 feet upgradient of a stream, lake, sinkhole, or tile line surface intake, it shall be injected or applied to the surface and mechanically incorporated into the soil within 48 hours of application.

5. Septage shall not be applied to any of the following:

- To a lawn or a home garden;
- To ground that has a slope greater than 9 percent; or
- To land where there is a bedrock layer or seasonal high water table within three feet of the soil surface, as noted in the county USDA soil surveys.

(3) Land application crop harvesting restrictions. After a septage application:

1. Food crops with harvested parts that touch the septage/soil mixture and are totally above ground shall not be harvested for 14 months.

2. Food crops with harvested parts below the land surface shall not be harvested for 38 months.

3. Animal feed, fiber, and those food crops with harvested parts that do not touch the soil surface shall not be harvested for 30 days.

4. Animals shall not be allowed to graze on the land for 30 days.

(4) Land application vector attraction reduction (VAR). One of the following VAR requirements shall be met when septage is land applied:

1. Septage may be injected below the surface of the land. No significant amount of septage shall be present on the land surface within one hour of septage injection.

2. Septage may be incorporated into the soil within six hours after application to or placement on the land.

3. Septage may be stabilized by adding and thoroughly mixing sufficient alkaline material (such as hydrated or quick lime) to produce a mixture with a pH of 12. A minimum of 30 minutes of contact time shall be provided after mixing the alkaline material with the septage prior to land application. Each container of treated septage shall be monitored for compliance by testing two representative samples taken a minimum of 30 minutes apart to verify that the pH remains at 12 or greater for the minimum 30-minute time period.

4. Other stabilization methods may be acceptable if shown to be equivalent to one or more of the methods described in this subparagraph.

(5) Land application records. Persons who land apply septage shall document the following information and retain the records at their residence or business for five years:

1. The location, by either street address or latitude and longitude, of each septage application site;
2. The number of acres and precise application area in each septage application site;
3. The gallons of septage applied to each site for each application;
4. The rate, in gallons per acre, of septage application at each site;
5. The total gallons of septage applied at each site to date for the year;
6. The date and time of septage application at each site; and
7. A description of how the VAR requirements are met (injection, incorporation, or stabilization).

The following certification statement shall be provided with the records when the records are submitted to or requested by the department:

"I certify, under penalty of law, that the pathogen requirements and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

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567—68.8(455B) Standards for disposal of wastewater from on-farm food processing operations. On-farm food processing wastewater shall be disposed of pursuant to Iowa Code section 455B.172A. On-farm food processing operations that meet the requirements for land application in Iowa Code section 455B.172A and 567—68.7(455B) shall not be required to obtain an operation permit as prescribed in 567—60.3(455B).

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These rules are intended to implement Iowa Code sections 455B.172 and 455B.172A.

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