

FILED MAR 02 2005

SENATE FILE 2308
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3167)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain water treatment and supply-related
2 inspections conducted when certain property is sold or
3 transferred.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2308

1 Section 1. Section 455B.172, Code Supplement 2005, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 11. A building where a person resides,
4 congregates, or is employed that is not connected to a public
5 sewage disposal system shall have the sewage disposal system
6 inspected at the time of sale or transfer of ownership of the
7 building to ensure that all wastewater is properly treated.
8 The septic tank shall be opened and pumped at the time of
9 inspection or shall have been pumped and the pumping
10 documented within the previous year. Any secondary treatment
11 system shall be inspected. Failing or improperly functioning
12 systems shall be renovated to meet current standards either by
13 the seller, or by agreement, within a reasonable time period
14 by the buyer. A building where a person resides, congregates,
15 or is employed that is not served by a public water supply
16 system shall have the private water well inspected and a water
17 sample taken and tested for coliform bacteria and nitrates at
18 the time of sale or transfer of ownership of the building.
19 Information about abandoned wells, water test results, and
20 deficiencies from current private water supply well standards
21 shall be conveyed to the buyer or transferee before the sale
22 or transfer of ownership of the building is final. The
23 inspection requirements of this subsection shall not apply if
24 an inspection has occurred within two years of the time of
25 sale or transfer of ownership of the building. A local board
26 of health shall be responsible for enforcing the inspection
27 requirements of this subsection within its jurisdiction. A
28 city or county may charge reasonable inspection fees for
29 purposes of this subsection.

30 Sec. 2. IMPLEMENTATION OF ACT. Any fees imposed as a
31 result of the enactment of this Act are intended to cover the
32 costs of any state mandate included in this Act and this
33 specification of state funding shall be deemed to meet all the
34 state funding-related requirements of section 25B.2,
35 subsection 3, and no additional state funding shall be

1 necessary for the full implementation of this Act by, and
2 enforcement of this Act against, all affected political
3 subdivisions.

4 EXPLANATION

5 This bill relates to certain water treatment and supply-
6 related inspections conducted when certain property is sold or
7 transferred.

8 The bill provides that a building where a person resides,
9 congregates, or is employed that is not connected to a public
10 sewage disposal system shall have the sewage disposal system
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20 The bill provides that a building where a person resides,
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22 water supply system shall have the private water well
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25 ownership. The bill requires information about abandoned
26 wells, water test results, and deficiencies from current
27 private water supply well standards to be conveyed to the
28 buyer or transferee before the sale of the building is final.

29 The bill provides that the inspection requirements under
30 the bill shall not apply if an inspection has occurred within
31 two years of the time of sale or transfer of ownership of the
32 building.

33 The bill requires that a local board of health shall be
34 responsible for enforcing the inspection requirements of the
35 bill within its jurisdiction. The bill allows cities and

1 counties to charge reasonable inspection fees.

2 The bill may include a state mandate as defined in Code
3 section 25B.3. The bill provides that any fees imposed
4 pursuant to the bill are intended to cover the costs of any
5 state mandate included in the bill. The inclusion of this
6 specification of state funding is intended to reinstate the
7 requirement of political subdivisions to comply with any state
8 mandates included in the bill.

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Bolkecom co-chair
Potney co-chair
Seng
Miller

Succeeded by
SF/HF 208 ^{SSB#3167} Natural Resources

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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22 or transfer of ownership of the building is final. A local
23 board of health shall be responsible for enforcing the
24 inspection requirements of this subsection within its
25 jurisdiction. A city or county may charge reasonable
26 inspection fees for purposes of this subsection. If
27 corrective action is required, an inspection fee shall apply
28 toward the cost of a construction permit fee.

29 Sec. 2. IMPLEMENTATION OF ACT. Any fees imposed as a
30 result of the enactment of this Act are intended to cover the
31 costs of any state mandate included in this Act and this
32 specification of state funding shall be deemed to meet all the
33 state funding-related requirements of section 25B.2,
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STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

MEMO

TO: General Assembly
From: Jeffrey R. Vonk, Director
Date: January 24, 2006
RE: Time of Sale or Transfer Inspections

Iowa has tens of thousands of rural homes with improper, incomplete, and illegal sewage disposal systems. These homes typically have a septic tank, often too small or in poor condition and without the required secondary treatment after the tank. The tanks discharge incompletely treated sewage to a ditch, stream or field tile. This discharge contains pathogenic bacteria and organic matter that are a serious public health hazard and an environmental contamination into Iowa's surface waters.

Many of these systems were installed when older houses were built, years or even decades before sewage treatment rules existed. However, existing state rules require that these systems be upgraded to current sewage treatment and disposal standards in order to eliminate this contamination. There is no "grandfather clause" on these discharges because they create significant health hazards. All rural homes in Iowa, regardless of age, are required to have proper sewage treatment and disposal.

The primary problem with enforcement of this rule is the large number of illegal discharges. This means that priorities need to be set on which systems should be upgraded. The most equitable and financially feasible time to address this issue is when the property changes ownership and occupancy. Therefore, we propose to concentrate efforts and resources to reach the owners of these homes at the time of transfer of the property.

A time of sale inspection requirement is already written into local ordinances for 20 counties. Several more are considering such ordinances. The Department is seeking specific authority to expand the program to ask all counties to require an inspection of all private sewer systems at time of ownership transfer to determine compliance with existing sewage treatment rules. Systems that had met earlier permitted legal standards when they were constructed and appear to be still functioning properly would not be required to upgrade to more current standards. Systems that were installed before regulations were in place or are failing to properly treat the waste would be held to current standard expectations.

In addition, if the property has a private well, this too should be inspected. Studies by University Hygienic Lab, Center for Health Effects of Environmental Contamination, the Iowa Department of Public Health, as well as this Department, have shown that nearly 40% of private wells in Iowa to be contaminated with coliform bacteria and about 20% to

be contaminated with the chemical nitrate. These are both indicators of potential public health effect contamination to the well. Recommendations have been for all private well owners to have their well tested annually. If problems are exposed, the Department recommends voluntary remedial actions be taken.

In the case of properties at time-of-sale, every house with a private well used for drinking water should mandatorily have the well water tested and the well head inspected to note if there are any obvious problems and that the water is safe to drink. This information along with any suggested remedial action can be passed along to the new owner. Iowa law does not mandate any changes to an existing private well which is in use; however, the buyer and the financial lender should be given the information to make an informed decision about potential well repairs or replacement. This inspection would add to the opportunities to discover abandoned wells and use the Grants-to-Counties program to help pay the cost of required well plugging.