

The following information represents excerpts taken from the draft version of Chapter 72a that were added or significantly changed following the Sewage Advisory Committee's original review of the document. New or changed information is presented in bold font.

Section:

§ 72a.1 Definitions

Activity requiring a permit

(iv) **Abandon Activity** – **The permanent removal of an onlot sewage system or component thereof from service. Proper abandonment of an onlot sewage system shall include removal and proper disposal of the sewage content and media solids from all components and either complete tank removal or the collapse of the tank top and at least one side and filling voids with inert, clean material to the surface of the ground.**

§ 72a.22 Activities requiring a permit

§ 72a.22(b) A local agency shall require a permit for the installation, alteration, repair **or abandonment** of an individual or community onlot sewage system. The local agency shall categorize permit activity as new permit activity, alteration permit activity, repair permit activity **or abandon permit activity**.

§ 72a.22(d)(2) A minor permit may be issued only when:

- (iv) The activity is one of the following types of minor alteration and repair activities:
 - (A) Repair, replacement or alteration of a building sewer or other connecting pipe;
 - (B) Repair or replacement of a treatment tank component such as a baffle, solids retainer or manhole cover; or
 - (C) Addition of a riser, inspection port, cleanout or other access point for the purpose of facilitating maintenance, or
 - (D) Replacement of a dosing or lift pump with equivalent unit; or
 - (E) Repair or alteration necessary to achieve equal distribution from a distribution box.
 - (F) Proper abandonment of an individual or community onlot sewage system.**

§ 72a.25 Issuance of permits

§ 72a.25(a)(7) When a permit to repair an onlot sewage treatment system authorizes encroaching upon a horizontal isolation distance in accordance with § 73a.7 (a) (4), **or requires a variance from the standards of this part for any other reason in accordance with 72a.35 (relating to Permit variance from standards)**, the local agency shall provide the applicant with written notification of the following information, shall list the

information on the permit and shall maintain the information in the permanent record required by § 72a.21 (f).

- i. The site or sewage system does not meet Chapter 73a standards **and a variance to those standards is necessary.**
- ii. Itemize all deviations from regulatory standards.
- iii. This permit is issued under Chapter 72a, § 72a.22 (b) and Chapter 73a, § 73a.7 (a) and authorizes the **necessary variance** for only those items previously listed.
- iv. The possibility exists for the non-compliant repair system to malfunction.
- v. The repair permit does not relieve the applicant of the responsibility to correct any malfunctions that may occur in the future.

§ 72a.27 Expiration and transfer of permits

§ 72a.27 (b) New permits may be obtained once in accordance with paragraph (a), thereafter when issuing a new permit the local agency shall require information necessary to confirm the validity of the original application as provided by § 72a.34(a) (relating to acceptance of prior testing).

§ 72a.32 Sales Contracts

§ 72a.32 (d) Every contract for sale of a lot which is served by an individual sewage system which was installed under § 72a.35 (relating to permit variance from standards) shall contain a statement in the contract that clearly indicates to the buyer the nature of the standard for which the variance was granted on the property being sold and what standards were not met.

§ 72a.35 Permit variance from standards

§ 72a.35 (a) When considering corrective measures for malfunctioning onlot sewage systems which have been constructed in accordance with this part or applicable regulations at the time of construction, and corrective measures cannot be constructed in accordance with this part, a variance from the requirements may be granted at the discretion of the local agency as shall not be contrary to the public interest. When considering a variance:

- (i) A variance may only be considered for a specific standard for which compliance is not possible. A variance cannot be considered for any standard for which compliance is possible.**
- (ii) A variance may only be considered for the minimum number of onlot sewage system standards necessary to correct the malfunction.**
- (iii) Financial impact may not form the basis for a variance under this section.**
- (iv) Before considering a variance that results in the absorption area or spray field encroaching on the regulated isolation distance to a well,**

the proper well abandonment procedure or the relocation of the well should be considered. The requirements of § 72a.33 (relating to well distance exemption) may be waived at the sole discretion of the local agency.

- (v) Exercise of local agency discretion in granting a variance shall be documented in writing and provided to the sewage enforcement officer and be attached to permit application records.
 - (vi) The local agency shall maintain in the permanent record a list of all variances granted. As a minimum the list shall include the date the variance was granted, the name and address of the person granted a variance, the number of the permit application containing the variance and the reason for the variance. The local agency shall provide this information to the department upon request.
- (b) No variance shall be granted that will defeat the spirit and general intent of this part, or be otherwise contrary to the public interest or adversely affect the public health or cause contamination of the environment.

§ 72a.61 Powers and duties of sewage enforcement officers

§ 72a.61 (b) Specifically upon termination of employment by a local agency or at any other time deemed appropriate, a sewage enforcement officer may request the department to review the administration of sections 7, 8, 12, 13, 13.1, 13.2(b), 14, 15 and 16 of the Act.

§ 72a.62 Powers and duties of local agencies

§ 72a.62 (a) (3) Specifically upon termination of employment of a sewage enforcement officer or other technical and administrative personnel necessary to support the activities of the sewage enforcement officer by a local agency or at any other time deemed appropriate, a local agency may request the department to review the administration of sections 7, 8, 12, 13, 13.1, 13.2(b), 14, and 15 of the Act.

§ 72a.63 Powers and duties of the Department

§ 72a.63 (b) Upon receiving a request under § 72a.61 (b) or § 72a.62 (a)(3), the department may review and evaluate the performance of local agencies and their sewage enforcement officers in the administration of sections 7, 8, 12, 13, 13.1, 13.2(b), 14, 15 and 16 of the Act to the satisfaction of the secretary. When a requested review and evaluation is conducted, both the sewage enforcement officer and the local agency's performance shall be reviewed.

§ 72a.63 (e) The Department has the duty to establish a training program for sewage enforcement officers. The Department will require timely and satisfactory completion by sewage enforcement officers of training courses sponsored by the Department. Satisfactory completion means attendance at all sessions of training and attainment of a minimum grade of 70% on tests given as part of the training course. The training program shall:

- (i) include initial pre-certification training and post certification continuing education training
- (ii) include minimum training requirements for certificate renewal
- (iii) identify mandatory and optional training courses
- (iv) **establish fees for attendance at training courses**

§ 72a.64 Reimbursement

§ 72a.64 (i) Costs associated with the staffing and administration of a sewage management program under Chapter 71a.223 (relating to requirements for management of sewage facilities) are eligible costs. Entities defined as municipalities or local agencies in this part are eligible recipients to be determined as follows:

- (1) When the official plan or update revision identifies the municipality as the entity responsible for administering a sewage management program, the municipality is eligible for reimbursement of eligible costs for administrative and personnel expenditures to implement the sewage management program. Application for eligible costs shall be submitted by the municipality in accordance with this section.**
- (2) When the official plan or update revision identifies a local agency as the entity responsible for administering a sewage management program and when the local agency identified in the official plan or update revision agrees to administer the program, the local agency is eligible for reimbursement of eligible costs for administrative and personnel expenditures to implement the sewage management program. Application for eligible costs shall be submitted by the local agency in accordance with this section.**
- (3) When the municipality retains standing of a local agency and the official plan or update revision identifies another entity included in the definition of municipality or local agency as the entity responsible for administering a sewage management program and when the entity identified in the official plan or update revision agrees to administer the program, the entity is eligible for**

reimbursement of eligible costs for administrative and personnel expenditures to implement the sewage management program. Application for eligible costs shall be submitted by the entity in accordance with this section.