



RESEARCH REPORT

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STATE SEPTIC CODE EXAMPLES: Connecticut

○ General Summary

The state of Connecticut has a Public Health Code, which defines septic system technical standards, failures, and prohibitions. The Connecticut Department of Environmental Protection and the Connecticut Department of Public Health share regulatory responsibility for wastewater management in the state.

- The District Health Departments permit and oversee all installations of septic systems within the district.
- In Chapter 103 of the Connecticut General Statutes, the state authorizes municipalities to prepare a Water Pollution Control Plan (WPCP).
- The WPCP is planned and enforced by a Water Pollution Control Authority (WPCA).
- Some municipalities take an aggressive approach and address septic system maintenance in their WPCP to avoid community pollution problems.
- If a septic system ceases to function properly and creates a public health nuisance, the permit to discharge is revoked and the district enforces the Public Health Code requiring the repair or replacement of the malfunctioning system, issuing a new permit to discharge after the repair or replacement is complete.

The state has funding mechanisms in place for both local governments and individual homeowners who have improperly functioning septic systems that are nuisances, in accordance with public health. The Connecticut Environmental Health Association (CEHA) developed a committee that created a uniform inspection standard and form for documentation.

○ What is required of local governments?

Connecticut authorizes municipalities to develop and enforce WPCPs, which are made to control pollution problems and often include septic maintenance regulations. The state government authorizes municipalities to develop and maintain their own WPCA and subsequent WPCP. Most local governments have done so.

- For areas without sewers, the plans should layout means by which the municipality is working to avoid community pollution problems.
- The WPCA has the authority to require more stringent standards than required by the Public Health Code, which are enforced by the Health Department. Municipalities in rural areas hire a qualified sanitarian, create an inspection schedule, and install various maintenance regulations, such as mandatory pumping or time-of-transfer inspections.
- Local sanitarians have jurisdiction to regulate conventional septic systems (flows of 5,000 gallons per day or less).

○ **Funding for Local Governments**

The Connecticut Clean Water Fund (CWF) is the state's environmental infrastructure assistance program and can provide funding to help local governments develop solutions to problem areas of septic system failures.

- Through the CWF, the state provides combined grants that vary from 20% - 55% of total project costs, depending on the type of project, and low interest loans to finance municipal sewage projects.
- State funds are combined with federal EPA contributed "State Revolving Fund" (SRF) grants to create the CWF.

○ **Financial Assistance for Private Citizens**

A partnership between the Connecticut Department of Economic and Community Development, the Community Renewal Team, Inc. and its Home Solutions Program provide low-interest loans to private citizens for the repair, replacement, or enlargement of septic systems.

- To receive a loan for this purpose, the septic system must be determined to be a nuisance in accordance with the Public Health Code.
- The minimum loan amount is \$1,000; there is no maximum amount that can be borrowed as long as the amount requested is customary and reasonable, given the work that is required for the project.
- Loan rates and terms may vary depending upon a person's income.
- Loans are offered for residential properties with up to two housing units where the property owner occupies one of the units.
- Applicants do not have to meet financial eligibility criteria unless they request a loan deferment. Loan deferments are granted if the applicant has a disability or is age 62 or older, when requested.

○ **Points of Interest**

The Connecticut Department of Environmental Protection and the Department of Public Health share regulatory responsibility of wastewater management in the state.

- Conventional septic systems (5,000 gallons of flow per day or less) are regulated via the local sanitarian, director of health, and state department of Public Health.
- Commercial and industrial systems (over 5,000 gallons of flow per day) are regulated and require authorization from state Department of Environmental Protection.
- In general, septic systems in Connecticut are regulated by the state Health Code.
- Municipalities have the authority to require more stringent standards of their continued maintenance after they are installed. This includes mandatory inspections, such as those being done in the Town of Clinton, CT.



STATE SEPTIC CODE EXAMPLES: Iowa

○ General Summary

On July 1, 2009, an Iowa state law was enacted to establish mandatory time of transfer septic system inspections.

- The law requires that every home or building, served by a septic system, have that septic system inspected prior to the sale or deed transfer for the home or building.
- All inspections must be conducted by an inspector that has been certified by the Iowa Department of Natural Resources (DNR). The inspection procedures, requirements, and documentation forms are uniform, state-wide.
- Regulations for septic systems are established by Chapter 69 of the Iowa Administrative Code and systems deemed inadequate must upgrade, at time of sale or transfer, to meet minimum standards.
- There are exemptions to the mandatory inspections, including estate transfers, septic systems installed within two years, foreclosed properties, and buildings that will be demolished, among other things.
- Local county boards of health, in conjunction with the Iowa DNR, regulate small private septic systems (serving 4 homes or fewer or less than 15 people), while large public systems are the primary responsibility of the DNR.
- The DNR has authority statewide to require compliance with minimum standards for septic systems, including the licensing of septic professionals and inspectors.
- The state has funding mechanisms in place to assist homeowners and businesses in meeting septic system compliance.

○ What is required of local governments?

Local County Boards of Health have primary responsibility for the regulation of small (domestic) septic systems. In conducting their activities, the county must comply with the minimum standards set forth by the DNR. County boards have two general powers:

- Enforce health laws, the rules, and lawful orders of the state.
- Make and enforce such reasonable rules and regulations, not inconsistent with law or with the rules of the state, as may be necessary for the protection and improvement of public health.

Counties also have authority to allow alternative or innovative, performance-based systems.

If counties fail to adopt or enforce state standards for smaller systems, the DNR has authority to step in and demand compliance.

- The DNR specifies standards for the siting and construction of septic systems, including their depth to groundwater, minimum separation distances to surface water, and maximum filtration rates for soil.

- For a time-of-transfer process when conditions prevent the inspection from occurring, including inclement weather, the buyer shall execute and submit a binding acknowledgment with the County Board of Health to conduct an inspection at the earliest practicable time.
- If a septic system is deemed inadequate, the transfer of the property can still go forward, if there is a binding acknowledgment between the buyer and the County Board of Health that the system will be inspected and updated, if necessary.

○ **Funding for Local Governments**

We could not find any funding assistance for local governments.

○ **Financial Assistance for Private Citizens**

The On-site Wastewater Assistance Program (OSWAP) offers low-interest loans through participating lenders to rural homeowners for the replacement of inadequate or failing septic systems, via the State Revolving Fund.

- The loan, starting at \$2,000, is available at a 3% interest rate for a maximum period of 10 years. The loan can fund up to 100% of the actual costs of repair or installation.
- Applicants must own an existing home with a septic system, in an area with no public sewers, and their county must participate in the program. This loan has also recently been made available to properties within city limits, if a public sewer connection is not available.

The USDA Rural Development Section 504 Repair Loan and Grant Program also provides private citizens financial assistance for septic system repairs and replacements.

- Loans are available to very low income homeowners (less than 50% of the median household income for the given county) who are unable to obtain credit from other sources for the modernization and/or health and safety hazard removal work.
- Grants are available to private citizens who meet the above loan criteria, but are also 62 years of age or older.
- The maximum loan amount is limited to \$20,000 while the maximum grant assistance is \$7,500.

○ **Points of Interest**

Local sanitarians act as liaisons between the state and the septic system owner. They require permits for all septic installations and upgrades, to ensure state regulation compliance.

- Because of this responsibility on the local level, the DNR offers an annual sanitarian training course at the Des Moines Area Community College.
- The training is provided statewide, at various locations at least 10 times annually, and covers all topics related to septic systems. The training is designed for county sanitarians, septic system installers, pumpers and designers but is open to everyone.



STATE SEPTIC CODE EXAMPLES: Minnesota

○ General Summary

Septic systems in Minnesota are regulated by Statutes 115.5 and 115.6.

- These regulations specify minimum technical standards for individual and mid-size systems. They also include a framework for local administration of septic programs. Statewide licensing and certification of septic professionals, septic product registration, and establishment of the septic Advisory Committee are also addressed (MN Rules, Chapter 7080 - 7083).
- The Minnesota Pollution Control Authority (MPCA), which is advised by the septic Advisory Committee on septic matters, works at periodic revisions of Minnesota's septic codes (MN Rules, Chapter 7080-7083), provides ongoing assistance in interpreting the state's septic code, and administers the statewide certification and licensing program.
- In 2004, the MPCA was charged by the state legislature to draft and implement a 10-year plan to upgrade and maintain all of the state's septic systems. In 2007, the state enacted the requirement that every septic system must be assessed by the property owner or owner's agent every 3 years.
- There is also a statewide law that full disclosure of septic condition and compliance must be provided in the process of transferring a property.
- For properties on the shorelines of Minnesota, the Department of Natural Resources has minimum setback requirements for septic systems ranging from 50'-150'. These apply to all shoreline areas, depending on lake or river classifications. Some counties may have more restrictive ordinances.

○ What is required of local governments?

Per Minnesota Statute 115.5, all counties must adopt local septic ordinances that comply with state laws.

- Local septic regulations must protect public health and the environment. These include minimum standards for design, location, installation, use, maintenance, and closure of septic systems.
- Local governments must require individual systems to have maintenance actions plans for new or replacement systems, before a permit can be granted.
- Counties can have less restrictive regulations for existing systems and more restrictive regulations for new systems.
- Counties must have at least 1 certified inspector on staff and their ordinances must be reviewed for compliance.

○ Funding for Local Governments

The Clean Water Legacy (CWL) Fund has funding available to counties to support their work in regulating septic systems with a flow of 2,500 gallons per day or more.

- These systems require an inspector to perform a review, inspection, and permitting of any new systems.
- The MPCA and the county establish a Joint Powers Agreement to provide up to 75% of the cost of work performed by the certified inspector.

The MPCA also offers grants to counties for the administration of septic programs and for special projects to improve compliance rates.

- The MPCA review grant applications and gives the funds to the counties via the Board of Water and Soil Resources' Natural Resources Block Grants.
- **MPCA Base Grants** are given to counties that have a septic program, have an ordinance that meets state standards, and files an annual report. These total up to \$18,600 per county.
- **MPCA Incentive Grants** offer rewards for counties that have compliance inspections for property transfers, compliance inspections for any permit, plans to improve compliance (including a records catalog or inventory), and plans to address unsewered areas with the county. The four incentive grants are worth \$2,500 per county.

○ Financial Assistance for Private Citizens

The MPCA also offers low-income fix-up grants to private citizens whose septic systems are deemed noncompliant or may be an imminent threat to groundwater.

- Grants of up to \$40,000 are allocated for distribution to private citizens who qualify.
- Counties commit to using the following criteria in determining grant eligibility:
 - Fix a septic system that is deemed an imminent threat or failing to protect groundwater (must have been issued a Notice of Noncompliance)
 - Funding only for homesteaded single-family or duplexes
 - Homeowner must be “low income”
 - Recommend use of a sliding scale for grant fund based on income
 - Funds must be used for eligible septic upgrades or returned to state if not expended by specified date

○ Points of Interest

Minnesota requires local governments to address septic systems in their laws and regulations. The state rewards them for compliance with financial assistance opportunities.

- Minnesota has a statewide law that full disclosure of septic system condition and compliance must be provided in the process of transferring a property. To comply with this, local governments have authority to require inspections, and many do.
- The state also requires that every septic system must be assessed by the property owner or owner's agent every 3 years.
- Due to their abundant inland lakes and proximity to Lake Superior, the state has stricter regulations for septic systems on properties near shorelines.



STATE SEPTIC CODE EXAMPLES: Pennsylvania

○ General Summary

Act 537, The Pennsylvania Sewage Facilities Act, requires local governments to address existing sewage disposal needs, and help prevent future problems through the proper planning, permitting, and design of all types of sewage facilities.

- There are statewide regulations about the construction and design of new septic systems, but required maintenance and inspection regulations are left up to municipalities as part of their individual Sewage Management Plans (SMPs).
- The state has funding mechanisms in place to aid local governments in planning and implementing their plans, as well as funding mechanisms for private citizens to help with the costs of maintaining their systems.

○ What is Required of Local Governments?

The state requires local governments to develop and maintain their own 537 SMP.

- In these individual 537 plans, the state requires local governments to adopt maintenance plans for all septic systems and cesspools located in their districts.
- The Pennsylvania Sewage Facilities regulation, 25 Pa. Code 71.73, requires septic pumping every 3 years or whenever an inspection program reveals that the tanks are a third full.
- In light of this requirement, most SMPs in the state require pumping once every three years. The state prefers municipalities to use mandatory pumping as a means of maintenance policy.

○ Funding for Local Governments

The Pennsylvania Department of Environmental Protection (DEP) assists municipalities and local agencies with a reimbursement grant to offset the development and revising of SMPs.

- The DEP provides reimbursement to local governments for annual permitting 537 programs and their enforcement.
- Act 13 of the Marcellus Legacy Fund is a grant program for 537 work and planning for local governments. Since Act 13 was signed into law in 2012, the fund – a combination of impact fees and natural gas royalties – has dispersed nearly \$144.3 million throughout Pennsylvania in the form of competitive grants, environmental initiatives and infrastructure projects.

In Pennsylvania, municipalities that have operating SMP plans with mandatory pumping have the following options:

- Most common - property owner contracts individually with septic professionals after their inspections. The property owner pays for the pumping.

- Some SMPs contract directly with 1 or 2 septic professionals for their districts and direct them where to pump. This lowers costs for property owners, but limits their ability to freely choose their pumper.
- Although very rare, some SMPs purchase their own pumping equipment and have in-house septic staff. They do the pumping themselves and charge the homeowners for the services. If this type of program is used, the municipality is unable to receive reimbursement from the DEP to cover costs of the equipment and staffing.

- **Financial Assistance for Private Citizens**

The Pennsylvania General Assembly in 1988 noted these public health and economic concerns before addressing funding issues:

- The economic revitalization of this Commonwealth is being stifled by a lack of clean water and adequate sewage facilities. Financing of water and sewage projects at affordable cost is not currently available in many areas of this Commonwealth.
- In order to assist in financing projects to protect the health and safety of the citizens of this Commonwealth and to promote the economic development of Pennsylvania, the General Assembly has determined that it is necessary to establish the Pennsylvania Infrastructure Investment Authority and to provide funding of the authority programs.

Pennsylvania has the PENNVEST Loan program to aid private citizens who need to repair or replace their septic system. The Pennsylvania Infrastructure Investment Authority, the Pennsylvania Housing Finance Agency, and the DEP teamed up to offer this special funding program.

- The assistance is in the form of loans at an interest rate of 1.75% and monthly payments also includes a .75% servicing and insurance fee.
- Loans are secured by a mortgage on the borrower's home. The maximum term of a loan is 20 years and loan repayment commences within 60 days after the date of loan disbursement.
- A loan must be immediately repaid in full if the property on which the project is located is either sold or transferred.
- The low cost financing available under the On-Lot Funding Program can provide an adequate on-lot sewage disposal system and save money at the same time. For example, a \$15,000 loan at 1.75% (2.55 percent APR) for 20 years equates to a \$75 monthly payment. A basic requirement of the program is that home owners keep the upgraded or new system in good repair, have it pumped out regularly, and ensure that it does not malfunction, fail to adequately treat wastewater, or cause a public health hazard.
- Loans are available to all citizens of the Commonwealth, with limited exceptions. These include a maximum family income of \$80,613 and the financial ability to repay the loan. All areas are eligible unless a community wastewater collection and treatment system is either in place or will be constructed in the next five years.

- **Points of Interest**

Pennsylvania requires their municipalities to plan and implement their own Sewage Management Plan, which technically includes on-going maintenance regulations for septic systems.

- The state prefers municipalities to follow a 3-year mandatory pumping ordinance.
- State law is geared towards the design and construction of septic systems, not their installation. Organizations like the Pennsylvania Septage Management Association (PSMA) and the Department of Environmental Protection provide lists of “licensed” septic installers.
- The state of Pennsylvania recognizes the PSMA as an official association that maintains a hauler and inspector licensing system, performs in-depth septic inspections themselves, and provides local governments with resources for planning and implementing their SMPs.
- PSMA is highly involved in both septic business and policy setting. They are recognized as the industry standard by state courts. They provide assistance to local governments for including septic maintenance regulation in their SMPs.



STATE SEPTIC CODE EXAMPLES: Wisconsin

○ General Summary

Septic systems in Wisconsin are regulated by Administrative Code Chapter SPS 383 of the Department of Safety and Professional Services (DSPS) rules. The purpose of that chapter is to establish uniform standards and criteria for the design, installation, inspection and management of septic systems, so that the systems are safe and will protect public health and the waters of the state.

- The Wisconsin Department of Commerce and Department of Natural Resources (DNR) share regulatory authority over septic systems.
- The DNR regulates industrial wastewater systems, while the Department of Commerce regulates private domestic systems.
- Per State Statute 145.20(5), all local governments are required to complete, maintain, and inventory all septic systems located in their jurisdictional areas by October 1, 2017.
- In addition, the local government must develop and implement a comprehensive septic maintenance program by the same date.

○ What is required of local governments?

Chapter SPS 383 requires that all counties in Wisconsin perform an inventory of septic systems and establish a maintenance program by October 1, 2017. At a minimum, the inventory must include:

- Legal description of all properties including tax parcel number where a domestic septic system is located within the governmental unit jurisdictional area.
- Name and address of the owner of each septic system located within the governmental unit jurisdictional area.

At a minimum, the maintenance program must establish:

- An inventory of all domestic septic systems located within the governmental unit jurisdictional area.
- A process that accepts and records inspection, evaluation, maintenance, and servicing reports submitted by the septic owner or the owner's agent for septic systems listed in the inventory.
- A process that accepts and creates a record for each inspection, evaluation, maintenance, and servicing report for a septic system not listed in the inventory that is submitted by the septic owner or the owner's agent.
- A process that notifies septic owners that are delinquent in submitting reports for inspection, evaluation, maintenance, and servicing activities listed in SPS Chapter 383.
- A process that includes measures meant to ensure that required inspection, evaluation, maintenance, and servicing is performed and the results are reported.

- Reports summarizing the results of the maintenance program on an annual basis in a format requested by the state.

Additionally, local governments have authority to inspect the construction, installation, operation or maintenance of a septic system to ensure they are compliant with state standards and local ordinances. Many local governments in the state pass mandatory inspection or mandatory pumping ordinances to meet the state maintenance program requirements. The local program can license or hire their own inspectors, maintainers, and installers to ensure further compliance.

○ **Funding for Local Governments**

DSPS runs the Private Onsite Wastewater Treatment System (POWTS) Grant Program, in which the state provides financial assistance to local government units who participate in the program.

- To participate, the government must meet the maintenance and compliance standards of Chapter SPS 383.
- Because local governments must have a plan in place by October 2017 and the funding available is available in this grant program, 67 out of 72 counties and the Oneida Tribe of Wisconsin participate.

The Small Cities Community Development Block Grant (CDBG) provides financial assistance to communities in the form of 0% deferred loans.

- The grant helps communities to rehabilitate housing, including septic system repair or replacement. The program has approximately \$6.3 million available and grants a minimum of \$850,000 per region, depending on community distress taken from census data.

○ **Financial Assistance for Private Citizens**

If their county participates in the Private Onsite Wastewater Treatment System (POWTS) Grant Program, or the Wisconsin Fund, local citizens and small commercial business owners are eligible for septic tank replacement and rehabilitation funding via the DNR.

- The maximum grant award is \$7,000 per household or business.
- Requirements for the grant include county participation in the POWTS program, ownership of property, verification and categorization of failure by county or city official, date system was constructed, and income level of all owners.
- Repairs or installations must be done by a DNR approved professional and any work done is inspected by the DNR before the grant reimbursement is issued to the individual or business.

The USDA Rural Development Section 504 Repair Loan and Grant Program also provides private citizens financial assistance for septic system repairs and replacements.

- Loans are available to very low income homeowners (less than 50% of the median household income for the given county) who are unable to obtain credit from other sources for the modernization and/or health and safety hazard removal work.
 - Grants are available to private citizens who meet the above loan criteria, but are also 62 years of age or older.
 - The maximum loan amount is \$20,000 while the maximum grant assistance is \$7,500.
- **Points of Interest**
- As part of the minimum standards for these maintenance programs, the state is enforcing county record keeping for all maintenance and inspections done on each septic system.
 - Almost all of the counties in the state participate in the POWTS program, which helps them to meet maintenance and inspection requirements, and makes funding sources available to private citizens to maintain and repair their systems.