



SF 407 and Disadvantaged Communities Rural Community Sewers

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After passage of Senate File 407 in 2011, many rural residents have questioned whether or not their communities qualify as disadvantaged. Some have asked whether or not their community must update old and poorly functioning septic tanks to adequately treat wastewater before it flows into Iowa waters. The Iowa Department of Natural Resources (DNR) has provided answers to the most frequently asked questions about Senate File 407.

Residents in small rural communities naturally have questions about how Senate File 407 affects their community.

1: WHY DOES OUR COMMUNITY HAVE TO INSTALL A SEWAGE TREATMENT SYSTEM?

Exposure to improperly treated sewage can result in illnesses caused by bacteria or viruses. Sewage can also seep into groundwater and contaminate wells which many rural residents use for drinking water. Improperly treated sewage that flows into streams can kill or harm fish and other aquatic life.

Based on these health and environmental concerns, the State of Iowa developed laws and administrative rules to regulate sewage discharges. Iowa Code Section 455B.186 and Chapter 60 of the Iowa Administrative Code (567 IAC 60) prohibit sewage discharges to a water of the state without a permit. Chapter 69 of the Iowa Administrative Code (567 IAC 69) prohibits sewage discharges from private (home or business) sewage disposal systems. Private systems are prohibited from discharging to any stream, ditch, pond, lake, natural or artificial waterway, county drain tile, surface water drain tile or land drain tile, to the ground water or to the surface of the ground unless the disposal system is permitted by the county or state.

2: WHAT TYPE OF TREATMENT SYSTEM SHOULD WE INSTALL?

A consulting engineer will consider several types of sewage treatment systems and perform a cost analysis for each one. The most cost-effective system will then be proposed. Options could include a community treatment system, onsite systems, cluster systems or other approved systems. As communities decide which system to install, they should consider up-front costs and long-term maintenance costs, looking at all costs when choosing a system.

3: HOW MUCH WILL I HAVE TO PAY PER MONTH FOR MY SEWER BILL?

That depends on how the system is financed. If your community can obtain grant money to help pay for the system, that will reduce the monthly fee.

4: WHAT HAPPENS IF OUR COMMUNITY DOES NOT RECEIVE A GRANT?

It is not uncommon for communities to apply for several years in a row before a grant is awarded. The DNR will not require a town to install a sewage treatment system that is not affordable, as determined by the rules adopted by the DNR.

5: HOW DOES THE LAW ABOUT DISADVANTAGED COMMUNITIES APPLY TO OUR COMMUNITY?

The new law (Senate File 407) applies to communities that are disadvantaged according to criteria included in the law. The DNR is required to evaluate a community to determine if it is disadvantaged. The criteria in the law that will be used

to evaluate communities are listed below:

1. The ability of the community to pay for a project based on the ratio of the total annual project costs per household to median household income.
2. The unemployment rate in the county where the community is located.
3. The median household income of the community.
4. If the community is currently sewered, the outstanding debt of the system and the bond rating of the community.

6: WE WANT DNR TO EVALUATE OUR COMMUNITY TO DETERMINE WHETHER WE ARE DISADVANTAGED. WHAT DO WE HAVE TO DO?

In order to qualify as disadvantaged, your community must complete and submit a Disadvantaged Community Analysis (if your community is sewered/has an NPDES permit), or a Disadvantaged Unsewered Community Analysis (if your community is unsewered). These forms are available on the Rural Community Sewers page of the DNR website at <https://www.iowadnr.gov/environmental-protection/water-quality/rural-community-sewers>. Please note: according to the first criteria in the law, the disadvantaged community analysis must include the total annual project costs per household. This means that wastewater treatment option must be decided upon and the total annual project costs must be determined before DNR can evaluate if community is disadvantaged or not.

Thus, a community must develop a proposal before they can be evaluated for disadvantaged community status.

7: IF WE ARE CONSIDERED DISADVANTAGED, DO WE STILL NEED TO MOVE FORWARD TO COMPLETE A SEWER SYSTEM?

A disadvantaged community must do what it can afford to do. The law says if a community is disadvantaged then DNR cannot require a community to install a system the community cannot afford.

However, the end result will be the same - adequate treatment of wastewater. The new law does not remove the community residents' responsibility to adequately treat the wastewater. Nor does it remove DNR authority to require adequate treatment. It does require DNR to allow the community more time as residents explore different ways to adequately treat the wastewater at a cost the community can afford.

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