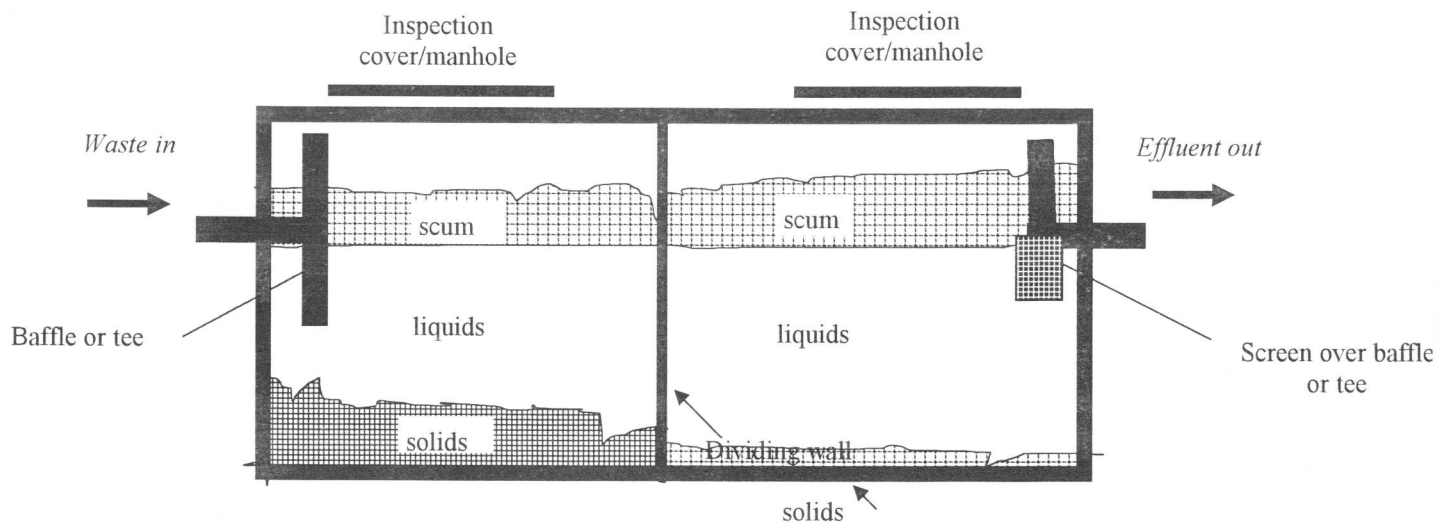


Chapter #4

Overview: This chapter gives details of the septic tank and drainfield.

As a result of studying this chapter, you should be able to:

- list the parts of a septic tank.
- describe the function of the various parts of a septic tank.
- state the proper depth of a drainfield.
- recite the ideal width of a drainfield lateral.
- describe the challenges of a home with a basement toilet or sewer drain.
- list several important facts about distribution boxes.
- state the reason for the use of drop boxes instead of distribution boxes.



Tank components and purpose

The septic tank should have baffles or tees at the inlet and outlet ports of the tank. The inlet baffle directs the waste below the level of the scum layer and allows mixing of the new waste with the existing waste. Bacterial action begins the breakdown of the waste. Without the baffle at the inlet port of the tank, the scum layer could plug this port.

Without the baffle or tee on the outlet side of the tank, the scum layer could flow out to the drainfield and reduce the efficiency of this secondary treatment area.

Modern septic tanks have manhole covers or access lids at both ends of the septic tank. These allow for:

A. Inspection of the septic tank.

B. Cleaning of the septic tank.

Drainfield function and size

Effluent from the septic tank travels through a pipe to a treatment system, often a drainfield, where final treatment occurs.

Width of drainfield laterals

The drainfield is composed of trenches or beds. Trenches are between 24 inches for pipe laterals. Beds are over 36 inches wide for pipe laterals and for chambers. Beds have a slower filtration rate than trenches and therefore require twice the infiltrative surface area. Traditional trenches and beds are filled with gravel or other filter materials.

Depth of drainfield laterals

A typical drainfield will require 18 to 36 inches of

vertical depth, from the soil surface to the bottom of the bed or trench, depending upon soil characteristics and materials.

More shallow depths are preferred because there is more oxygen closer to the surface. The drainfield relies on bacteria that require oxygen to break down the wastewater. The maximum depth from soil surface to the bottom of the trench is 36 inches. Also, the bottom of the trench or bed must be at least three (3) feet above the groundwater table, bedrock or other barrier for proper treatment.

Depth of the septic tank

The waste water from the home generally flows by gravity to the septic tank. The following may be exceptions:

1. Basement toilets.
2. Basement sewer drains.

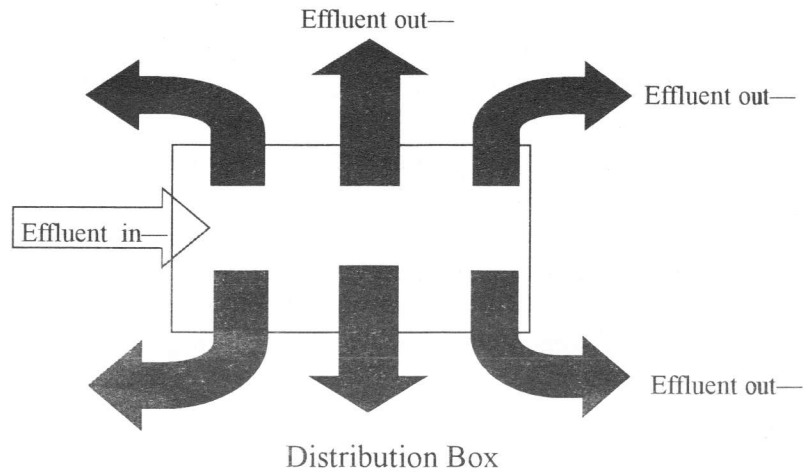
For homes with a basement toilet or sewer drain, the home should be high enough compared to the septic tank for gravity flow from the basement plumbing to the tank. The manhole covers or inspection lids should be at ground level; risers connected to the manhole covers could be used to meet this requirement.

Problem: The home allows for gravity flow to the septic tank but not the drainfield. In this situation, the system may need a pump and pump chamber to lift septic tank effluent (the waste with the large solids removed) to the drainfield with a higher elevation.

Problem: The home does not allow gravity flow to the septic tank or the drainfield. In this situation both solids and liquids must be pumped by installing a grinder pump or sewage ejector pump to lift wastewater out of the basement to an elevation suitable for drainage to the septic tank.

Precautions at the septic tank/drainfield site.

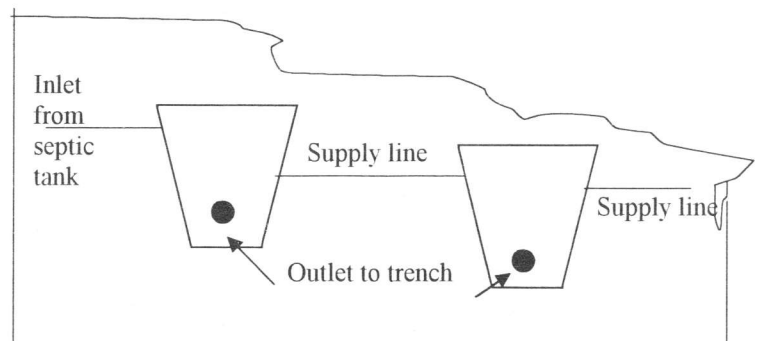
If the soil is wet during septic construction, soil may be compacted and not be acceptable for proper drainage. Trenches dug in wet conditions may cave-in. Fences should be used to prevent danger to children; backfill of the excavations should be done soon after inspections.



Distribution boxes.

Distribution boxes direct the effluent to the drainfield. Distribution boxes:

1. Are separate from the septic tank.
2. Must be watertight and non-corrosive.
3. Should have an opening for inspection, cleaning, leveling and maintenance.
4. Should be level for equal distribution to the drainfield.
5. Should be set on undisturbed land and located so its leveling devices can be readjusted for maximum efficiency.



Drop boxes.

Drop boxes may be used in place of distribution boxes on hilly terrain or slope. Drop boxes:

1. Should be watertight and noncorrosive.
2. Have special installation requirements with

- specific dimensions for inlet and outlet ports.
3. Eliminate the problem of poor distribution into trenches by preventing the lowest trench from receiving most of the flow.

A series of trenches is dug parallel to the slope so that each trench is higher/lower than the next. Starting with the highest, each trench fills with wastewater completely, then overflows through a series of drop boxes to each succeeding trench. Each trench must be level from end to end and follow the contour. Running trenches perpendicular to the slope is not an option as all water would run to the end of the trench not allowing full use of the entire trench area, and usually resulting in system failure.

How To Locate the Main Parts of an Existing System

Location of the parts of an existing system may be found using the following information:

1. County offices and sanitarian.
2. Observation of disturbed sod may indicate the location of the distribution box.
3. Alternative systems with media filters or aerobic tanks which require frequent maintenance may be obvious.
4. Manhole covers or inspection pipes may be visible at ground level.
5. Trained professionals may use a probe to find the septic tank and distribution box. Older metal tanks may be located with a metal detector.
6. A transmitter may be flushed down the toilet and used with a receiver to locate the septic tank.
7. Observe where grass is growing differently to locate the drainfield. Grass may be more lush because of the nutrients being discharged in the drainfield. Snow melt may indicate the location of the various parts of the septic system.
8. Watch for pooling water or soggy areas of the yard to locate septic system parts.
9. Observe ditches collecting wastewater or effluent. This may indicate a system without a drainfield and an illegal system.
10. Ask the current owner for a copy of the dia-

gram of the system made by the state certified inspector.

11. Look for depressions in the yard indicating possible septic parts location.

Proper Use and Maintenance of a Septic System

The major reasons for the break-down of a septic system include:

1. Overuse of water.
2. Neglect.
3. Improper installation of the system.
4. Faulty design.

Failure of the system means:

1. the system will not accept all of the waste discharged into the system.
2. The system will not properly treat the waste.

A properly maintained septic system allows waste to enter the septic tank with the same amount of effluent leaving the tank. If too much waste enters the system without sufficient time for proper break down of the waste, problems may occur including:

1. Solid may be stirred up and re-suspended from the bottom of the tank causing the drainfield to become plugged.
2. The scum layer may flow into the drainfield causing pre-mature clogging.

Self-help remedies:

1. Use low volume water appliances such as toilets and shower heads.
2. Wash laundry over several days rather than in a single day.
3. Take short showers.
4. Fix leaky plumbing.
5. Do not wash dishes under a running faucet; rather fill the basin with wash water.
6. Reroute surface water from downspouts, driveways, away from the drainfield. Never apply large amounts of water to the drainfield. Do not install underground lawn sprinkler systems that discharge water in the drainfield; in the alternative, use a manually operated sprinkler and measure the amount applied.
7. Have the tank pumped on a regular basis. The tank should be pumped when the bottom of the scum layer is within one inch of the top of the outlet baffle or the scum layer is within 12

inches of the bottom of the outlet baffle.

8. Mow the drainfield area often to encourage the growth of grass vegetation.
9. Keep rodents out of the drainfield.
10. Do not plant trees within five feet of the drainfield.
11. Do not drive vehicles over the drainfield.
12. Be careful about septic tank additives; some research indicates additives do not improve the function of septic systems.
13. Overloading the system with antifreeze, bleach, ammonia or other products may reduce the ability of bacteria and other microorganisms to break down waste. These substances may threaten the groundwater.
14. Do not use the septic system as a garbage can. Cigarettes, facial tissues and sanitary products will clog the plumbing or increase the scum or sludge in your tank. Manage these as solid waste rather than with wastewater. Compost vegetable scraps if possible. Have effluent filter/screen installed at septic tank effluent tee to further protect drainfield.
15. A limited use of the garbage disposal prolongs the life of the septic system.

OSWAP

The DNR's Onsite Wastewater Systems Assistance Program (OSWAP) helps rural Iowans replace inadequate or failing septic systems in an effort to help clean up polluted waterways statewide. Since beginning in 2002, the program has helped finance the replacement of more than 700 septic systems, totaling \$4,000,000, at an average cost of \$6,400 per loan.

OSWAP offers low-interest loans to homeowners at 3 percent for amounts beginning at \$2,000, for a maximum repayment period of 10 years. Loan applicants must be creditworthy and apply for a loan through participating lenders. The program limits eligibility to owners of existing homes only, in unincorporated areas not served by a public sewer.

The program was created to help replace outdated septic systems in Iowa that still dump untreated wastewater from household septic tanks to open ditches or underground tile lines that flow directly into streams, rivers, lakes or fractured bedrock. Inadequate and failing septic systems contribute to

the pollution of wells, groundwater and surface waters with fecal bacteria, viruses and nutrients.

An estimated 100,000 septic systems in Iowa are at substandard levels. And many landowners with those systems may not realize their systems are breaking the law. According to Iowa law, all septic systems, regardless of when they were installed, must have secondary wastewater treatment following the septic tank.

Homeowners wanting to apply for an OSWAP loan must first obtain a septic construction permit from their county sanitarian and complete an OSWAP approval form. Next, they apply for a loan through a participating lender. If their loan is approved, the final step is to hire a septic contractor to complete the approved project.

OSWAP is funded through the state revolving loan fund.

For more information, contact your county sanitarian or Iowa DNR Environmental specialist at (515) 281-8263 or visit www.onsiteiowa.com.

Septic Tank Fraud

(note: this case involves contract law, misrepresentation and fraud with the practical application to septic systems. I do not remember the date of the case or any other specifics. It would have been an appeals case from either a court of appeals or a state supreme court. This is my brief summary of the key points of the case.): A broker found a buyer to purchase the seller's house. This contract was subject to financing. Four days later the broker had the buyer sign a different purchase agreement with the seller which did not contain the contingency of financing, but did contain a warning about the condition of the septic system. This second signing was performed because the broker did not like the first purchase agreement. This latter item was not mentioned at all in the earlier agreement. Five days later, the buyer signed yet another purchase agreement which repeated the septic tank warning and again omitted any financing conditions. Never did the broker tell the buyer his financing contingency had been removed without his permission. Unfortunately, the septic system at that time was completely out of order and was un-

suitable for a subsurface sewage disposal system. Therefore it was not possible for the financing to be obtained and the prospective buyer was liable to lose his downpayment of \$4,600. A complaint was sent to the real estate commission and as a result the broker's license was suspended for sixty days. The commission's actions were based on the the Real Estate Broker's License Act, whereby the commission was empowered to investigate any complaint against a licensed broker and to suspend or revoke the license if he, the broker, was guilty of, among other things, demonstrating "incompetency, bad faith or dishonesty." (author's conclusion: The action of secretly withdrawing a financing contingency, protecting a buyer who cannot merit loan approval, should be shocking to the normal conscience. The buyer probably signed each new contract presented to him by the broker. By signing, he indicated he had read the document. Did he really know that his financing contingency had mysteriously been removed? Probably not. Real estate licensees must take affirmative steps to notify parties to the contract of any changes. . . . Before they sign.)

Conversation with a plumber about septic system certifications/tests.

The author's discussion with plumbers about septic systems and septic certifications includes the following information:

1. the economic life of a septic system within ordinary circumstances is 25 to 30 years.
2. The health of a septic system can sometimes be determined by the condition of the distribution box. If the box contains solids and water is pooling in the box, the system may need to be replaced. Free flowing water through the distribution box may indicate a system with additional years of life.
3. A septic tank (in a single tank system) with no wall (partition) down the middle of the tank to separate the solid waste from the liquid waste will probably need to be replaced.
4. When the author asked a plumber about a healthy absorption field, the plumber determined that by running water into the septic tank for 20 minutes. If the water did not rise by more than three (3) inches during that time the absorption field was thought to be functioning.
5. A screen should cover the outlet tee of the septic tank to prevent solids from entering the absorption field.
6. Cement septic tanks should have a tar lining to prevent waste from penetrating the tank walls.
7. Backhoe and other equipment may run \$200 for each hour of work.
8. Septic tank replacement may cost \$5,000 and higher.

Chapter #5

Overview: Chapter 5 introduces forms important for septic system certification and compliance with Iowa law.

As a result of studying this chapter, you should be able to:

- identify the DNR form which allows for a delay in certifying the private sewage disposal system.
- identify the DNR form which exempts the property from sewage disposal certification when the building is to be destroyed by the purchaser.
- identify the DNR form binding the purchaser to install an adequate system in a timely manner.
- identify the DNR form for making complaints.
- have read an actual septic system certification sheet.
- have read an actual septic system "locator" map.



Time of Transfer Inspection Report

Other components:

Alarms: ☐ Y ☐ N Working: ☐ Y ☐ N Disinfection: ☐ Y ☐ N Working: ☐ Y ☐ N

Control Box: _____ Timers: _____ Inspection Ports: yes

Other components: _____

Overall condition of the private sewage disposal system:

Report system status: System seems to be functioning at this time

Explain (attach additional pages as needed): Septic tank has baffles,
filter in outgoing line, 12" riser on outgoing, 36" on center

Comments: of tank,

Site status at conclusion of Time of Transfer inspection:

- Verify that controls are set on the appropriate mode.
- Power is on to all components.
- Revisit all components to verify lids are secure.
- Gather all tools for removal from the site.
- Verify that no sewage is on the ground surface.

Using this worksheet, write a narrative report of the inspection results and attach a site sketch.

This report indicates the condition of the private sewage disposal system at the time of the inspection. It does not guarantee that it will continue to function satisfactorily.

Signature of Certified Inspector: Richard Johnson Date: 7-20-12

Name (print): [Redacted] Certificate #: _____

Address: PO Box 481, Waterloo, IA 50701

Phone #: 319-237-7111

Provide a copy of this report, the narrative report and sketch to the seller/agent, buyer/agent, the county sanitarian/environmental health office in the county the inspection was conducted, the county recorder and to:

Iowa DNR Onsite Wastewater Program
502 E 9th St
Des Moines IA 50319



Time of Transfer Inspection Report

542-0191

Property Information

Current Owner: [REDACTED]

Buyer: _____

Realtor: Fusion Premier Pro

Mailing Address: 874 Rose Lane, Waterloo

Site Address/County: Black Hawk

Legal Description _____

No. of bedrooms: 3 Last occupied: currently Records available: NO

Permit/ installation date: _____ Separation distances (ok/no?): Ok, city water

Septic System Information

Septic tank(s): Size: 1200 gal Material: concrete Condition: good

Tank pumped? ☒ Y ☐ N Date: 7-20-12 Licensed pumpster: Drain Doctor

Septic/Trash/Processing tank: Size: _____ Material: _____ Condition: _____

Tank pumped? ☐ Y ☐ N Date: _____ Licensed pumpster: _____

Aerobic treatment unit (ATU) mfg _____ Size _____

Tank pumped? ☐ Y ☐ N Date: _____ Licensed pumpster: _____

Maintenance contract? ☐ Y ☐ N Expiration date: _____ Service provider: _____

Condition: _____

Pump tanks/vaults: Type: _____ Size: _____ Condition: _____

Distribution system: Distribution box yes 5 in. Outlets used 3 Condition: good

Header pipe(s): _____ No. of lines: _____ Pressure dosed? _____

Secondary Treatment:

Length of absorption fields: 150 ft (3x50) Determined by: probe, camera

Condition of fields: good Determined by: probe, visual

Type of trench material: Rock, pipe 4" pvc?

Size of sand filter: _____ Determined by: _____

Vent pipes above grade? ☐ Y ☐ N Discharge pipe located? ☐ Y ☐ N

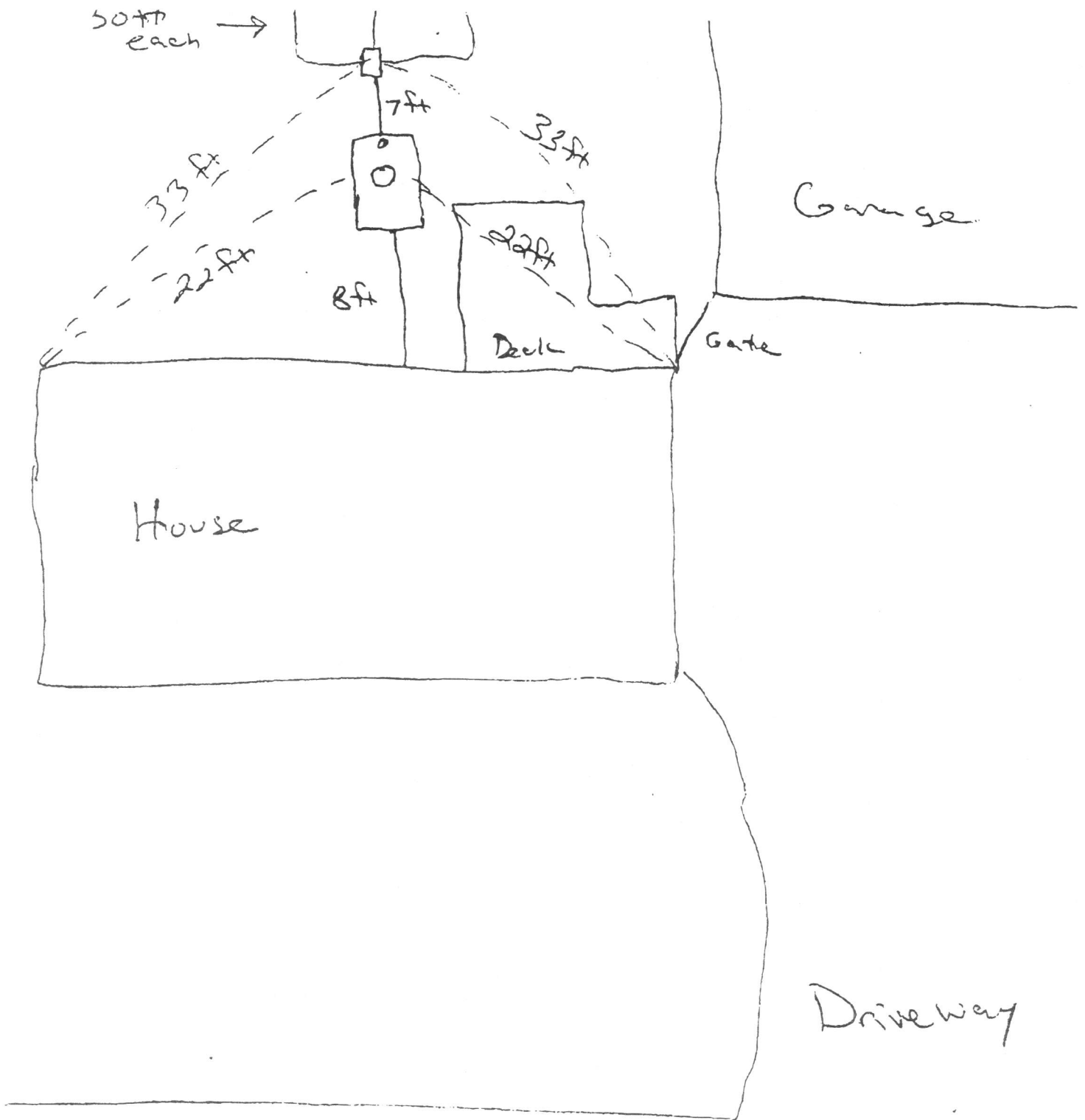
Effluent sample taken _____ Results: _____

Media Filters: Type: _____

Maintenance contract? ☐ Y ☐ N Expiration date: _____ Service provider: _____

Condition: _____

NPDES General Permit No. 4: Required? ☐ Y ☐ N Permitted? ☐ Y ☐ N NOI provided: _____



↑
(874) Rose Lane
7-20-12

North



IOWA DEPARTMENT of NATURAL RESOURCES
 TIME of TRANSFER INSPECTION AGREEMENT
 BINDING AGREEMENT for FUTURE INSPECTION
 542-0062

This agreement, in accordance with Iowa Code 455B.172 (11), is entered into this _____ day of _____ 20 _____ by and between _____ County Board of Health and _____. It is agreed that due to weather or other temporary physical conditions that prevent the certified inspection of the private sewage disposal system at the property located at _____ from being conducted, that the required inspection shall be completed no later than _____, 20 _____. The buyer further agrees to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection.

Dated the _____ day of _____ 20 _____.

 PROPERTY BUYER

 COUNTY BOARD OF HEALTH or AUTHORIZED REPRESENTATIVE

This instrument was acknowledged before me on _____, 20 _____
 by, _____

 Notary Public



IOWA DEPARTMENT of NATURAL RESOURCES
 TIME of TRANSFER INSPECTION WAIVER
 For BUILDING DEMOLITION
 542-0063

The _____ County Board of Health and the buyer of the property referenced below enter into the following agreement:

It is understood that Iowa Code 455B.172(11) requires an inspection of the private sewage disposal system on all properties not specifically exempted in Iowa at the time of transfer.

The property located at _____, Iowa is subject to this inspection and the buyer, _____, shall not occupy the dwelling located on this property and shall demolish said dwelling by the _____ day of _____, 20 _____.

It is hereby agreed that the time of transfer inspection and upgrading of the private sewage disposal system serving this property will not be required as long as the dwelling is not occupied and is removed by the _____ day of _____, 20 _____.

Dated the _____ day of _____, 20 _____.

 BUYER

 COUNTY BOARD OF HEALTH or
 AUTHORIZED REPRESENTATIVE

This instrument was acknowledged before me on _____, 20 _____
 by _____

 Notary Public



IOWA DEPARTMENT of NATURAL RESOURCES
 TIME OF TRANSFER INSPECTION WAIVER
 BINDING AGREEMENT for FUTURE INSTALLATION
 542-0064

This agreement is entered into this _____ day of _____, 20____ by and

between the _____ County Board of Health and _____

It is understood that Iowa Code 455B.172(11) requires an inspection of the private sewage disposal system on all properties not specifically exempted in Iowa at the time of transfer.

The property located at _____, Iowa is subject to the inspection, and the buyer _____ understands there is not an adequate private sewage disposal system serving this property.

It is hereby agreed that the time of transfer inspection will not be required and the buyer agrees that a code compliant private sewage disposal system or connection to a public sewer shall be installed to serve the property and shall be completed no later than _____ day of _____, 20____

Dated the _____ day of _____, 20____.

 BUYER

 COUNTY BOARD OF HEALTH or
 AUTHORIZED REPRESENTATIVE

This instrument was acknowledged before me on _____, 20____

by _____

 Notary Public



Send to: Iowa Dept of Natural Resources
 Time of Transfer Inspector Certification
 502 E. 9th St.
 Des Moines, IA 50319-0034
 Fax: 515-281-8895

Certified Time of Transfer Inspection Complaint Form

Complainant _____

Address _____

City _____ State _____ Zip _____

Email _____ Phone _____

Address of inspection (if different from above) _____

Certified Time of Transfer Inspector's Name _____

Address (if known) _____

Nature of Complaint

Attached additional sheets of information as needed

I certify that the above information provided is true and accurate to the best of my knowledge

Print Name _____

Signature _____ Date _____

Chapter #6

Overview: The State of Iowa has prepared a series of questions and answers on septic systems and Ground Water Hazard Statements. This chapter reviews these questions and answers. Several forms are included for instructional purposes.

As a result of studying this chapter you should be able to:

- recall specific questions and answers regarding septic systems published by the Iowa Department of Natural Resources.
- recite specific instances when septic systems are not required to be inspected.
- list several key elements of the Ground Water Hazard Statement.
- state situations which may exempt the use of a Ground Water Hazard Statement.

Frequently Asked Questions about Septic System Inspections

When did the law take effect?

Iowa's time of transfer inspection law (SF261) was passed in April of 2008 and took effect July 1, 2009. That means that any property that has a septic system and will transfer title on or after July 1 must be inspected.

What does the law require?

The new law requires that every home/building served by a septic system have that septic system inspected prior to the sale or deed transfer of the home/building. Those systems that are inadequate must upgrade at time of sale or transfer.

What is the purpose of the law?

Iowa has an estimated 100,000 buildings with septic systems that do not function adequately. The primary purpose of the program is to eliminate systems with no secondary treatment. These are the septic systems that have a septic tank, but do not have a leach field, sand filter or other secondary treatment device. Generally, these are the systems that pipe raw sewage directly into a road ditch or tile drain that flows to a ditch or stream. These systems are illegal and have been for many years.

Why are properly functioning septic systems important?

A single septic system can deliver between one million and 100 million colony-forming units of bacteria per 100 milliliters of effluent. Put another way, extremely high levels of bacteria come from inadequately performing septic tanks. If discharged directly into a stream or road ditch, these high levels have the potential to expose people, primarily children, and pets to possible pathogens carried in the fecal material. The material coming from poorly functioning septic systems are also high in organic matter. As this material enters a stream it pulls oxygen out of the water as it decomposes, posing a hazard to fish and other aquatic life. As the material is diluted and carried downstream, it is also a potential pollutant for drinking water supplies that draw water from that stream.

What if my system is working, but it is old and not up to code?

If your septic system is working properly when inspected, it will not have to be upgraded to meet today's code. Older systems may not have adequate capacity to meet current code, but still have a leach field or other secondary treatment that is working. These systems are less hazardous than those that have no secondary treatment and carry raw sewage to a ditch or stream.

Are there any exceptions to the requirement?

There are some exemptions in the law for foreclosure, father to son family transfers, divorce settlements and administration of an estate. For specifics, contact your attorney.

Who can do inspections?

A person with the appropriate experience and training can become a Certified Time of Transfer Inspector. To ensure uniformity of inspections, inspectors must be certified through a DNR training program. For more information about upcoming trainings, see www.wastewatertraining.com.

How do I know that inspections will be uniform from county to county?

As part of the certification training, inspectors are taught to use a uniform inspection procedure. They must also use a standard inspection worksheet throughout the state. The inspection law requires that all inspection are conducted according to Department procedures.

How many inspectors are there?

DNR has been working hard to prevent delays in sales and ensure that there are enough inspectors to complete all needed inspections. As of July 1, 2011, there were 367 certified inspectors.

Where can I find a list of inspectors?

Check the following Web sites maintained by the DNR and the Onsite Wastewater Training Center of Iowa: www.onsiteiowa.com or www.wastewatertraining.com

Can I check an inspection report for a property that I am interested in buying?

Inspection reports must be provided to the County Environmental Health staff (sanitarian) and the DNR. A copy of the inspection report must be attached to the Groundwater Hazard Statement before the deed can be transferred. Contact your county environmental health office.

What if I am buying a home that has an inadequate septic system? Will that hold up the sale?

There are basically two options if a property you are buying has a septic system that is not adequate. Option 1 is for the seller to fix the problem by upgrading the system prior to the sale. Option 2 is for buyer and seller to negotiate on price and who will fix the system. The sale 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.

What if weather has caused a delay in the inspection?

The Groundwater Hazard Statement has been modified to include a disclosure of septic systems on the property and whether an inspection has been completed. Provisions have been included for weather-delayed inspections. A binding acknowledgement between the buyer and the County Board of Health to conduct the inspection at the first possible opportunity must be attached to the Groundwater Hazard Statement.



TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

STATE OF IOWA

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

Frequently Asked Questions
The Groundwater Hazard Statement (GWHS)
& Time of Transfer Septic System Inspections
www.onsiteiowa.com

The GWHS is required when a DOV is required and in any other case in which a private sewage system inspection is required (if there are any such cases), regardless of the date on the real estate transfer document. The most current form of the GWHS is dated July 18, 2012.

There are two different versions of the Time of Transfer inspections for private sewage systems forms. Rather than give out a copy of the form, please note that the proper form will be 542-0191. The Department does not have this form on their website to avoid fraud. All certified inspectors have copies of this form or they can obtain them from the Department. A list of inspectors can be found on the DNR website: www.onsiteiowa.com. Choose the time of transfer tab. The Department has also developed binding agreements for weather delays, demolitions and future installations. These can also be found on the website.

1. We have a property in the name of three trusts. One trust is giving their interest to the other two trusts and there is consideration. Do they need an inspection?

The law exempts any transfer by a fiduciary in the course of administration of a trust. The existence of consideration is not relevant. No inspection is required.

2. A mortgage company received the property by voluntary foreclosure. NOW the mortgage company is selling the property. Do they need an inspection?

The law exempts a transfer by a mortgagee who has acquired the property through voluntary foreclosure. No inspection is required.

3. Does the time of transfer form have to be an original when it is filed with the groundwater hazard statement to the County Recorders?

No, the original is not required.

4. If we have a Building on Leased Land (BOLL), do we need a GWHS? For example, a garage in a mobile home park usually comes in on a Bill of Sale with a DOV and transfer tax. Or – a cabin on leased land which would also transfer by Bill of Sale. We do require a DOV when we get a bill of sale for a BOLL, but some counties don't require any kind of recorded document to transfer a BOLL.

Yes, if a DOV is required then a GWHS is required and the Septic inspection question must be answered because the DNR is considering a cabin on leased land as a transfer of ownership of the building which requires an inspection per the code.

In conversation with Assistant Attorney General Michael Bennett, in a 1971 opinion of the Iowa Attorney General indicates that DOV's are required with a bill of sale for a building. This would seem to address the only exception that we thought existed where a time of transfer inspection is required but we thought a DOV wasn't. It appears a DOV is required in these circumstances.

5. Are short sales covered under exemption #2 (foreclosure) of when a septic inspection is required?

Short sales are a close relative of foreclosure, but they have not been exempted. An inspection will be required. The main justifications for foreclosures being exempt are that the bank doesn't have knowledge and never occupied the structure. It is also a protection from making them put more money into the property.

6. Define Lineal Line of Consanguinity

Generally defines blood relatives in the lineal line from grandparents to parents to children etc.

REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT
TO BE COMPLETED BY TRANSFEROR

TRANSFEROR:

Name _____

Address _____

Number and Street or RR

City, Town or P.O.

State

Zip

TRANSFeree:

Name _____

Address _____

Number and Street or RR

City, Town or P.O.

State

Zip

Address of Property Transferred:

Number and Street or RR

City, Town, or P.O.

State

Zip

Legal Description of Property: (Attach if necessary) _____

1. Wells (check one)

- ☐ There are no known wells situated on this property.
- ☐ There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.

2. Solid Waste Disposal (check one)

- ☐ There is no known solid waste disposal site on this property.
- ☐ There is a solid waste disposal site on this property and information related thereto is provided in Attachment #1, attached to this document.

3. Hazardous Wastes (check one)

- ☐ There is no known hazardous waste on this property.
- ☐ There is hazardous waste on this property and information related thereto is provided in Attachment #1, attached to this document.

4. Underground Storage Tanks (check one)

- ☐ There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)
- ☐ There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.

5. Private Burial Site (check one)

- ☐ There are no known private burial sites on this property.
- ☐ There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.

6. Private Sewage Disposal System (check one)

- ☐ All buildings on this property are served by a public or semi-public sewage disposal system.
- ☐ This transaction does not involve the transfer of any building which has or is required by law to have a sewage disposal system.
- ☐ There is a building served by private sewage disposal system on this property or a building without any lawful sewage disposal system. A certified inspector's report is attached which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources. A certified inspection report must be accompanied by this form when recording.
- ☐ There is a building served by private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is attached to this form.
- ☐ There is a building served by private sewage disposal system on this property. The buyer has executed a binding acknowledgment with the county board of health to install a new private sewage disposal system on this property within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.
- ☐ There is a building served by private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form. [Exemption #9]
- ☐ This property is exempt from the private sewage disposal inspection requirements pursuant to the following exemption [Note: for exemption #9 use prior check box]: _____.
- ☐ The private sewage disposal system has been installed within the past two years pursuant to permit number _____.

Information required by statements checked above should be provided here or on separate sheets attached hereto:

**I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS
FORM
AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.**

Signature: _____ Telephone No.: (____) _____
(Transferor or Agent)

FILE WITH RECORDER

DNR form 542-0960 (July 18, 2012)

GROUNDWATER HAZARD STATEMENT

ATTACHMENT #1

NOTICE OF WASTE DISPOSAL SITE

a. Solid Waste Disposal (check one)

- ☐ There is a solid waste disposal site on this property, but no notice has been received from the Department of Natural Resources that the site is deemed to be potentially hazardous.
- ☐ There is a solid waste disposal site on this property which has been deemed to be potentially hazardous by the Department of Natural Resources. The location(s) of the site(s) is stated below or on an attached separate sheet, as necessary.

b.. Hazardous Wastes (check one)

- ☐ There is hazardous waste on this property and it is being managed in accordance with Department of Natural Resources rules.
- ☐ There is hazardous waste on this property and the appropriate response or remediation actions, or the need therefore, have not yet been determined.

Further descriptive information:

I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS
FORM
AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.

Signature: _____ Telephone No.: (____) _____
(Transferor or Agent)

INSTRUCTIONS FOR COMPLETING GROUNDWATER HAZARD STATEMENT

The transferor of real property is required to complete this form. The purpose of the statement is to satisfy legal requirements for filing instruments of conveyance of real property with the county recorder (Iowa Code Section 558.69). The Department of Natural Resources does not approve or disapprove of property transfers based on these statements. The statement must be signed by one of the persons transferring the property interest or that person's agent. An agent signing this form represents the information from transferor to be correct.

For the most part the information requested is clear (name, address, etc.). One statement under each of the numbered items (1, 2, 3, 4, 5 and 6) must be checked, and if one or more of the statements checked requires the transferor to provide additional information, that information is to be provided on a separate sheet. Relate the additional information to the specific category of facility (well, etc.) by numbering it with the corresponding number (1, 2, 3, 4, 5, or 6). When describing the location of a facility on the property, be reasonably precise, such as a specific distance and general direction from a landmark or corner of the property. A professional survey is not necessary. The following definitions are for use in completing the form.

1. Wells – A “well” is any excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted or otherwise constructed for accessing groundwater or for diverting surface water into the ground, including abandoned wells. “Well” does not include an open ditch or drainage tiles which discharge to the surface.

If a well is an “abandoned well” or an “agricultural drainage well,” this must be identified and the status of the well with respect to Iowa Code sections 455B.190 and 159.29, respectively, must be stated. An “abandoned well” is a well no longer in use or in such state of disrepair that continued use is unsafe or impracticable. Abandoned wells are to be properly plugged in accordance with chapter 39 of the rules of the Department of Natural Resources. (567 Iowa Administrative Code, Chapter 39)

An “agricultural drainage well” is a well constructed for the purpose of draining, or which drains, water from agricultural land to an aquifer (underground), excluding drainage tile intakes which outlet to the surface. Agricultural drainage wells are required to be registered with the department by September 30, 1988, and the owner of the well and of the land drained by the well are to develop a plan proposing alternatives to the use of the well by July 1, 1998 (See Iowa Code Section 159.29.)

2. Solid Waste - “Solid waste” means garbage, refuse, rubbish and other similar discarded solid or semisolid material. It does not include dirt, stone, brick, or similar inorganic material used for fill, as long as no other solid waste is included. See 567--100.2(455B), Iowa Administrative Code (I.A.C.) for further definitions. A “disposal site” is any area on the property on, in, or under which solid waste has been disposed, whether or not the disposal is or was regulated by the department.

If the transferor or agent has not received notice from the Department of Natural Resources that the disposal site has been deemed to be potentially hazardous, there is no duty to inquire to the department.

Information in regard to a solid waste disposal site shall be included in Attachment #1.

***Note** The land application of sludges or soils resulting from the remediation of underground storage tank releases accomplished in compliance with Department of Natural Resources rules

INSTRUCTIONS FOR COMPLETING GROUNDWATER HAZARD STATEMENT

without a permit is not required to be reported as the disposal of solid waste or hazardous waste. (See Iowa Code Section 558.69)

3. Hazardous Wastes - "Hazardous waste" is defined in Iowa Code section 455B.411, 567—141.2 (455B), I.A.C., and federal regulations referenced therein. It is generally defined as waste that poses a threat to human health or the environment. It includes wastes which are ignitable, corrosive, toxic, explosive, violently reactive, or specifically listed as hazardous in the Code of Federal Regulations (40 CFR 261). EXCLUDED are household wastes, agricultural wastes returned to the soil as fertilizers or soil conditioners, agricultural chemicals applied or disposed of by a farmer in accordance with the manufacturer's instructions, triple-rinsed agricultural chemical containers disposed of by farmers (where the rinsate is used as makeup water in the tankmix and applied at appropriate rates), and other specific materials. Persons are legally required to be aware of hazardous waste laws.

Information in regard to a hazardous waste disposal site shall be included in Attachment #1.

4. Underground Storage Tanks - "Underground storage tank" means one or a combination of tanks, including underground piping connected to the tanks, used to contain an accumulation of regulated substances, and the volume of which is 10 percent or more beneath the surface of the ground. "Regulated substances" include petroleum products and hazardous or toxic materials identified in 567--135.2(455B), I.A.C. Underground storage tank does not include:

- a. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes. But See 455B.473(4))
- b. Tanks used for storing heating oil for consumptive use on the premises where stored.
- c. Residential septic tanks.
- d. Pipeline facilities regulated by state or federal law.
- e. A surface impoundment, pit pond, or lagoon.
- f. A storm water or wastewater collection system.
- g. A flow-through process tank.
- h. A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
- i. A tank in an underground area such as a basement or mine, if the tank is on or above the surface of the floor.
- j. Pipes connected to the above exclusions.

"Tank type" means the material of construction (steel, fiberglass reinforced plastic [FRP], or other [specify]), and any internal or external protection such as a protective coating or wrapping, or cathodic protection. Identify the capacity in gallons and the substance stored in each tank.

5. Private Burial Sites - "Private Burial Site" means one or more graves containing human remains. For each site the transferor shall state the location of the site. For each decedent buried on the property the transferor shall state all known identifying information of that decedent including name, date of death, and date of birth.

INSTRUCTIONS FOR COMPLETING GROUNDWATER HAZARD STATEMENT

6. Private Sewage Disposal Systems – Beginning July 1, 2009, prior to any transfer of ownership of a building where a person resides, congregates, or is employed that is served by a private sewage disposal system, the sewage disposal system serving the building shall be inspected. In the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer shall execute and submit a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. For the purposes of this subsection, "transfer" means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units.

However, "transfer" does not include any of the following:

(1) A transfer made pursuant to a court order, including but not limited to a transfer under chapter 633 or 633A, the execution of a judgment, the foreclosure of a real estate mortgage pursuant to chapter 654, the forfeiture of a real estate contract under chapter 656, a transfer by a trustee in bankruptcy, a transfer by eminent domain, or a transfer resulting from a decree for specific performance.

(2) A transfer to a mortgagee by a mortgagor or successor in interest who is in default, ~~or~~ a transfer by a mortgagee who has acquired real property as a result of a deed in lieu of foreclosure or has acquired real property under chapter 654 or 655A,

(3) A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) A transfer between joint tenants or tenants in common.

(5) A transfer made to a spouse, or to a person in the lineal line of consanguinity of a person making the transfer.

(6) A transfer between spouses resulting from a decree of dissolution of marriage, a decree of legal separation, or a property settlement agreement which is incidental to the decree, including a decree ordered pursuant to chapter 598.

(7) A transfer for which consideration is five hundred dollars or less.

(8) A deed between a family corporation, partnership, limited partnership, limited liability partnership, or limited liability company as defined in section 428A.2, subsection 15, and its stockholders, partners, or members for the purpose of transferring real property in an incorporation or corporate dissolution or in the organization or dissolution of a partnership, limited partnership, limited liability partnership, or limited liability company under the laws of this state, where the deed is given for no actual consideration other than for shares or for debt securities of the family corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

(9) A transfer in which the transferee intends to demolish or raze the building. A legally binding document verifying that the building will be demolished shall be attached to the form.

(10) A transfer of property with a system that was installed not more than two years prior to the date of the transfer.

(11) A deed arising from a partition proceeding.

(12) A tax sale deed issued by the county treasurer.

7. Filing - This form must be presented to the county recorder when the document to be recorded is filed. The Recorder shall forward the original to the transferee when the recorded instrument is returned. The Recorder is not required to keep any copies.