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ENVIRONMENTAL SERVICES DIVISION
Field Office #3, Gateway North Mall
1900 North Grand, Spencer, Iowa 51301
Telephone 712/262-4177 Fax No. 712/262-2901

STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

CERTIFIED MAIL
(7004 1350 0005 2763 3174)

March 1, 2005

Jason Howe
Pete Howe Sanitation, Inc.
PO Box 983
Spencer, IA 51301

SUBJECT: Septic Waste Disposal Complaint (Complaint #05-025)
NOTICE OF VIOLATION

Dear Mr. Howe:

On February 28, 2005, I conducted an investigation at your facility resulting from a complaint received by our Spencer Field Office through the EPA Region VII office. This complaint alleged that portable toilet wastes were being disposed of on your property at 2034 260th Street, Spencer, IA.

During the investigation we met at your business to discuss the allegations of this complaint. You stated that you had recently started a business under the name of A-1 portables, renting out portable toilets to construction sites, and special events. Although the business had just recently started, you stated that some wastes from portable toilets had been disposed of on your property. In accordance with rule 567 Iowa Administrative Code (IAC) 69.14 (455B), *disposal of wastes from portable toilets shall be at a public sewage treatment facility*. You must therefore cease all disposal of this waste on your property. Receipts of proper disposal from a public sewage treatment facility must be retained in the future to maintain compliance with this rule.

During my visit we also reviewed the septic disposal records that you are maintaining from your septic pumping business. You stated that you have approximately 30 acres of land that is used for the disposal of these types of wastes. The 2004 disposal records show that you applied approximately 225,000 gallons of wastes to your property during the past year. You identified that the vector attraction requirement is met by incorporating septage within six hours after application. During the investigation it appeared that only a small portion (< 5 acres) of your available 30 acres had any evidence of incorporation. Please be reminded that you are limited to a maximum application rate of 30,000 gallons of septage per 365-day period per acre of land.

While reviewing your disposal records it was apparent that you are pumping pits (non-septic) at auto shops, car washes and industries. Wastes from these type of pits often contain significant amounts of hydrocarbons and various metals, requiring sampling and special disposal procedures. The repeated disposal of these types of waste may cause a "significant risk" of contaminating soil and groundwater at your disposal site. Your commercial septic tank cleaners license limits your business to clean and dispose of wastes including human or animal excreta, water, scum, scum, septage, and grease solids from private sewage disposal systems, impervious vault toilets, portable, and chemical toilets. You must therefore cease the disposal of all other types of wastes not covered under your commercial septic cleaners license.

Jason Howe
Pete Howe Sanitation, Inc.
March 1, 2004
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If you have any questions regarding compliance issues with your business, please refer to Chapters 68 and 69 of the Iowa Administrative Code, which were provided to you during the investigation, or you may contact me at (712) 262-4177.

Sincerely,



Tom Roos, Environmental Specialist
tom.roos@dnr.state.ia.us
Field Services and Compliance Bureau

TR:lw

c: -Brent Parker, WSS, WQB, ESD, DNR, Des Moines
-Cal Lundberg, Contaminated Sites, ESD, DNR, Des Moines
-Ron King, EPA SUPR/EFLR, 901 N. 5th Street, Kansas City, KS 66101

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