

## **DELEGATION OF CONSTRUCTION PERMITTING AUTHORITY**

Iowa Code § 455B.183 delegates construction permitting authority over certain sewer and water main extensions to qualified local public works departments and rural water systems (“Local Systems”) organized under Iowa Code chapters 357A or 504.

**Forms.** The DNR provides the following forms for use by Local Systems implementing this authority:

- 542-1001: Application for delegating permitting authority to local public works departments
- 542-1002: Statement of engineer’s qualifications
- 542-1003: Review checklist for water main extensions at local public works departments
- 542-1004: Review checklist for sewer extensions
- 542-1005: Quarterly report for permitting authority
- 542-1057: Application for delegating permitting authority to rural water systems
- 542-1058: Review checklist for water main extensions at rural water systems

**Pre-issuance Notification.** A Local System exercising permitting authority for sewer or water supply distribution system extensions under Iowa Code § 455B.183 should notify the director in writing prior to the first permit issuance, using either Form 542-1001 or 542-1057, as applicable, and Form 542-1002. This will allow the department to provide technical support prior to the issuance of a permit.

**Standard Specifications.** The Local System may submit to the department standard specifications used for review of permits. If the specifications are in substantial compliance with Iowa Standards for Sewer Systems cited in 567 IAC 64.2(9)“b,” or the water supply construction standards in rule 567 IAC 43.3(455B), as applicable, the Local System may reference these specifications when issuing permits.

### **Permitting Requirements. [Iowa Code § 455B.183(2)]**

- The permit reviewing engineer must be licensed as a professional engineer in Iowa and must be employed or retained by the Local System.
- The permit specifications or the Local System’s standard specifications must be in substantial compliance with the Iowa Standards for Sewer Systems cited in 567 IAC 64.2(9)“b,” or the water supply construction standards in rule 567 IAC 43.3(455B).
- The permitted extension must primarily serve residential consumers and will not result in an increase greater than 5 percent of the capacity of the treatment works, or serve fewer than 250 dwelling units, and either:
  - The permitted sewer extension will not exceed the capacity of any treatment works which received a federal or state monetary grant after 1972.
  - The water main extension will not exceed the production capacity of any system constructed after 1972.
- There is no authority in the Iowa Code or the Iowa Administrative Code for a Local System to issue a variance to State design standards. If a variance to the design standards is needed, the local public works department or rural water system must apply to the department for an individual construction permit following the wastewater permit procedures in rules 567 IAC 60.4(455B) and 567 IAC 64.2(455B) or the water supply permit procedures in subrule 567 IAC 40.4(1).

### **Notice and Documentation Requirements. [Iowa Code § 455B.183(3)]**

- The Local System must submit to the department a copy of each permit issued. The department also requests a copy of any forms used during the review of each permit.
- The Local System must submit to the department a complete quarterly report using Form 542-1005 by the fifteenth day of the month following each quarter of the calendar year.
- To ensure compliance with all applicable federal and state document retention laws, local public works or rural water supplies should retain plans and construction permits on file for the life of the extension or until the extension has been platted.

### **Rescission or Revocation of Delegated Permitting Authority.**

Per Iowa Code section 455B.183(6), the director may suspend or revoke a Local System’s delegation of review and permit authority if delegated activities are not conducted in accordance with Iowa Code § 455B.183.