

CHAPTER 176
WATER WELL CONSTRUCTION

H.F. 649

AN ACT relating to water wells by providing for regulation of water wells and the registration of water well contractors.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.171, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION. 24. "Abandoned well" means a water well which is no longer in use or which is in such a state of disrepair that continued use for the purpose of accessing ground water is unsafe or impracticable.

NEW SUBSECTION. 25. "Contractor" means a person engaged in the business of well construction or reconstruction.

NEW SUBSECTION. 26. "Reconstruction" means replacement or removal of all or a portion of the casing of a water well.

NEW SUBSECTION. 27. "Water well" means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted or otherwise constructed for accessing ground water. "Water well" does not include an open ditch or drain tiles.

NEW SUBSECTION. 28. "Construction" means the physical act or process of making a water well including, but not limited to, siting, excavation, construction and the installation of equipment and materials necessary to maintain and operate the well.

Sec. 2. Section 455B.172, Code 1985, is amended by adding the following new subsections:

NEW SUBSECTION*. 3. a. The department is the state agency to regulate the construction, reconstruction and abandonment of all of the following water wells:

(1) Those used as part of a public water supply system as defined in section 455B.171.

(2) Those used for the withdrawal of water for which a permit is required pursuant to 455B.268, subsection 1.

(3) Those used for the purpose of monitoring groundwater quantity and quality required or installed pursuant to directions or regulations of the department.

b. A local board of health is the agency to regulate the construction, reconstruction and abandonment of water wells not otherwise regulated by the department. The local board of health shall not adopt standards relative to the construction, reconstruction and abandonment of wells less stringent than those adopted by the department.

NEW SUBSECTION. 4. The department is the state agency to regulate the registration of water well contractors pursuant to section 455B.186A.

NEW SUBSECTION. 5. Pursuant to chapter 28E, the department may delegate its authority for regulation of the construction, reconstruction and abandonment of water wells specified in subsection 3 or the registration of water well contractors specified in subsection 4 to boards of health or other agencies which have adequate authority and ability to administer and enforce the requirements established by law or rule.

*According to enrolled Act

Sec. 3. Section 455B.173, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Adopt, modify or repeal rules relating to the construction and reconstruction of water wells, the proper abandonment of wells, and the registration of water well contractors. The rules shall include those necessary to protect the public health and welfare, and to protect the waters of the state. The rules may include, but are not limited to, establishing fees for registration of water well contractors, requiring the submission of well driller's logs, formation samples or well cuttings, water samples, information on test pumping and requiring inspections. Fees shall be based upon the reasonable cost of conducting the water well contractor registration program.

Sec. 4. NEW SECTION. 455B.186A WATER WELL CONSTRUCTION.

A contractor shall not engage in well construction or reconstruction without first registering as required in department rules. Water wells shall not be constructed, reconstructed, or abandoned by a person except as provided in this part or rules adopted pursuant to this part. Within thirty days after construction or reconstruction of a well, a contractor shall provide well information required by rule to the department and the Iowa geological survey.

Sec. 5. NEW SECTION. 455B.186B PROVISION FOR EMERGENCY REPLACEMENT OF WATER WELLS.

Rules adopted to implement section 455B.172, subsection 3, paragraph "b"; 455B.173, subsection 9; and section 455B.186A shall specifically provide for the immediate replacement or reconstruction of water wells in response to the sudden and unforeseen loss or serious impairment of a well for its intended use. These provisions shall include the granting of emergency authorizations and registration of well contractors pursuant to section 455B.186A and may include the granting of variances and exemptions from technical standards as appropriate.

Approved May 23, 1985