

4-5-89 referred in sen. and house.

FILED MAR 15 1989

Utg.

DO PASS 3-28-89 (p.1049)

Sen. Ways + Means

DO PASS 3-31-89 (p.1118)

How Energy + En. protect  
DO PASS 4-10-89 (p.1440)

SENATE FILE 441

BY COMMITTEE ON AGRICULTURE

SUCCESSOR TO SSB 202)

Passed Senate, Date 4-3-89 (p.1136) Passed House, Date 5-5-89 (p.2532)

Vote: Ayes 41 Nays 0 Vote: Ayes 97 Nays 0

Approved June 1, 1989

Proposed Senate for House amendment

5/7/89 (p.2088)  
42-0

A BILL FOR

1 An Act relating to the plugging of abandoned wells, by providing  
2 assistance to well owners, providing for well inspection and  
3 certification, providing for fees, making a civil penalty  
4 applicable, providing an effective date, and providing for  
5 repeal of a portion of the Act.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 441

1 Section 1. Section 455B.190, Code 1989, is amended to read  
2 as follows:

3 455B.190 ABANDONED WELLS PROPERLY PLUGGED.

4 1. As used in this section:

5 *H. 445* a. "Assistance agency" means the commissioners in each  
6 soil and water conservation district as provided in chapter  
7 467A.3, or the extension services at Iowa state university of  
8 science and technology, as established in chapter 266.

9 b. "Class 1 well" means a well one hundred feet or less in  
10 depth and eighteen inches or more in diameter.

11 c. "Class 2 well" means a well more than one hundred feet  
12 in depth or less than eighteen inches in diameter or a bedrock  
13 well.

14 d. "Class 3 well" means a sandpoint well or a well fifty  
15 feet or less in depth constructed by joining a screened drive  
16 point with lengths of pipe and driving the assembly into a  
17 shallow sand and gravel aquifer.

18 e. "Department" means the department of natural resources.

19 *H. 445* f. "District" means the same as defined in section 467A.3.

20 g. "Filling materials" means agricultural lime. Filling  
21 materials may also include other materials, including soil,  
22 sand, gravel, crushed stone, and pea gravel as approved by the  
23 department.

24 h. "Owner" means the titleholder of the land where a well  
25 is located.

26 i. "Plug" means the closure of an abandoned well with  
27 plugging materials which will permanently seal the well from  
28 contamination by surface drainage, or permanently seal off the  
29 well from contamination into an aquifer.

30 j. "Plugging materials" means filling and sealing  
31 materials.

32 k. "Sealing materials" means bentonite. Sealing materials  
33 may also include neat cement, sand cement grout, or concrete  
34 as approved by the department.

35 l. "Service" means the federal soil conservation service

1 as established in 16 U.S.C. § 2001 et seq.

2 m. "Well" means an abandoned well as defined in section  
3 455B.171.

4 2. All abandoned wells, as defined in section 455B.171,  
5 shall be properly plugged in accordance with the schedule  
6 established by the department. The department shall develop a  
7 prioritized closure program and a time frame for the  
8 completion of the program and shall adopt rules to implement  
9 the program.

10 3. Wells shall be plugged as follows:

11 a. Class 1 wells shall be plugged by placing sealing  
12 materials up to the static water level as a seal. Filling  
13 materials shall be added up to four feet below the ground  
14 surface. However, sealing materials may be used to fill the  
15 entire well up to four feet below the ground surface. The  
16 casing pipe shall be removed down to at least four feet below  
17 the ground surface and shall be capped with sealing materials.

18 b. Class 2 wells shall be plugged by placing filling  
19 materials at the bottom of the well up to four feet below the  
20 static water level. Sealing materials shall be added up to  
21 four feet below the ground surface. However, sealing  
22 materials may be used to fill the entire well up to four feet  
23 below the ground surface. The upper four feet of the casing  
24 pipe below the ground surface shall be removed. The top four  
25 feet of the ground surface shall be removed of obstructions  
26 and backfilled with soil and graded.

27 c. Class 3 wells shall be plugged by pulling the casing  
28 and sandpoint out of the ground, and collapsing the hole. The  
29 well may also be plugged by removing the upper four feet of  
30 casing pipe below the ground surface. The top four feet of  
31 the ground surface shall be removed of obstructions and  
32 backfilled with soil and graded.

33 4. The department shall sponsor an advertising campaign  
34 directed to persons throughout the state by print and  
35 electronic media designed to notify owners of the deadline for

1 plugging wells, penalties for noncompliance, and information  
2 about receiving assistance in plugging wells.

H. 44553 5. The department shall request cooperation from the  
4 service to implement this section. Assistance agencies shall  
5 cooperate with the department in implementing this section.  
6 The implementation assistance may include but is not limited  
7 to the following:

8 a. That the department, an assisting agency, or the  
9 service in each district in the state distribute plugging  
10 materials to owners or contractors approved by the department  
11 for use in plugging wells. The department shall provide each  
12 district with an inventory of plugging materials in quantities  
13 necessary to assist in the plugging of wells.

14 b. That the department, an assisting agency, or the  
15 service inspect the process of plugging wells according to  
16 rules adopted by the department.

17 c. That an assisting agency or the service transmit to the  
18 department that a well passes inspection according to  
19 departmental rule. A well that has passed inspection by the  
20 department, an assisting agency, or the service shall be  
21 certified by the department as having met all requirements  
22 under this section, including applicable departmental rules,  
23 for plugging the well.

24 d. That an assisting agency or the service report to the  
25 department violations of this section.

H. 44556 6. An owner may plug a well independently from a  
27 contractor approved pursuant to this section. An owner shall  
28 receive plugging materials from the district in which the well  
29 is located. However, before the materials are received, the  
30 owner must register information with the district regarding  
31 each well on the owner's property, and shall set an  
32 appointment for inspection by the department, an assisting  
33 agency, or the service. The registration information shall be  
34 forwarded to the department.

H. 44557 7. An owner within the district where a well is located

1 may schedule to have the well plugged by an approved  
2 contractor in the district. However, before the scheduling is  
3 completed, the owner must pay a plugging fee to the district  
4 and must register information with the district regarding each  
5 well on the owner's property. The plugging fee paid to the  
6 district shall not be more than fifty dollars per well. The  
7 payments shall be remitted to the department with the  
8 registration information, as provided by the department.

H-4459 9 8. The department shall approve contractors within each  
10 district to plug all wells within the district as provided in  
11 this section. The department shall select the contractors  
12 based on competitive bidding procedures. The department shall  
13 award bids to contractors based on the amount of the bid, and  
14 the ability of the contractor to reliably serve the district.  
15 A contractor approved by the department is not an employee of  
16 the state.

17 An approved contractor shall operate in conjunction with  
18 the district and shall, in cooperation with the district,  
19 arrange for delivery of plugging materials from district  
20 inventories, schedule appointments to plug wells, and schedule  
21 inspections by the department, an assisting agency, or the  
22 service.

H-44523 9. A person who fails to properly plug an abandoned a well  
24 on property the person owns, in accordance with the program  
25 established by the department, or as reported by an assisting  
26 agency or by the service, is subject to a civil penalty of up  
27 to one hundred dollars per day every five calendar days that  
28 the well remains unplugged or improperly plugged. However,  
29 the total civil penalty shall not exceed one thousand dollars.  
30 The penalty shall only be assessed after the one thousand  
31 dollar limit is reached. If the owner plugs the well in  
32 compliance with this section, including applicable  
33 departmental rules, before the date that the one thousand  
34 dollar limit is reached, the civil penalty shall not be  
35 assessed. The moneys collected shall be deposited in the

1 financial incentive portion of the agriculture management  
2 account. The department of agriculture and land stewardship  
3 may provide by rule for financial incentive moneys, through  
4 expenditure of the moneys allocated to the financial-  
5 incentive-program portion of the agriculture management  
6 account, to reduce a person's cost in properly plugging wells  
7 abandoned prior to July 1, 1987.

H-4455 8 Sec. 2. FUTURE REPEALS.

9 1. Section 455B.190, subsections 4 through 8, as enacted  
10 in this Act, are amended by striking the subsections.

11 2. This section takes effect July 1, 1992.

12 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
13 immediate importance, takes effect upon enactment.

14 EXPLANATION

15 This bill provides for the plugging of abandoned wells  
16 required to be closed under chapter 455B.190. The bill  
17 describes procedures for plugging different types of wells.  
18 The department of natural resources must sponsor an  
19 advertising campaign to notify owners of wells and programs  
20 available to assist owners in plugging wells. The department  
21 shall provide to soil and water conservation districts  
22 plugging materials, including bentonite and agricultural lime.  
23 The bill requires that the department request assistance from  
24 the federal soil conservation service to assist in  
25 implementing the bill's provisions. Iowa state university of  
26 science and technology extension services and soil  
27 conservation commissions are required to assist in  
28 implementing the section. The assistance includes inspection  
29 of wells for certification by the department.

30 The bill establishes that an owner may fill a well  
31 independently if the owner submits a plugging fee to the  
32 department for the services of a contractor. Contractors in  
33 each district shall be selected by the department to plug  
34 wells with plugging materials furnished by the department.  
35 The plugging shall be scheduled in soil and water conservation

1 district offices. The federal soil conservation service may  
2 and an assisting agency shall report to the department  
3 violations of this section. A person who fails to comply with  
4 the section is subject to a civil penalty of up to one hundred  
5 dollars per five calendar days that the well remains unplugged  
6 or improperly plugged. The total civil penalty shall not  
7 exceed one thousand dollars. If an owner plugs the well in  
8 compliance with the bill's provisions, no civil penalty shall  
9 be assessed.

10 This bill may create a state mandate as provided in chapter  
11 25B.

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SENATE FILE 441  
FISCAL NOTE

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A fiscal note for SENATE FILE 441 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 441 provides for the closure of abandoned wells as required by the Groundwater Protection Act of 1987. The bill describes procedures for the plugging of different types of wells, requires the Department of Natural Resources to provide plugging materials, including bentonite and agricultural lime, to each of the Soil and Water Conservation Districts, allows well owners to fill wells themselves for an inspection fee of up to \$50 per well, and requires the Department of Natural Resources to certify well closures.

Fiscal Effect:

The Department of Natural Resources is unable to provide an estimate of the costs the Department would incur under this act. The Department cannot reasonably estimate the number of wells that would need to be plugged, nor the amount of bentonite and agricultural lime that would be necessary to adequately plug a well.

Source: Department of Natural Resources

(LSB 1998sv, JWR)

FILED APRIL 13, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 441

H-4455

1 Amend Senate File 441, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 5 through 8.

4 2. Page 1, by striking line 19 and inserting the  
5 following:

6 "\_\_\_\_\_. "Designated agent" means a person other than  
7 the state, designated by a county board of supervisors  
8 to review and confirm that a well has been properly  
9 plugged."

10 3. By striking page 1, line 35 through page 2,  
11 line 1.

12 4. Page 2, line 9, by inserting after the word  
13 "program." the following: "The schedule established  
14 by the department shall provide that to the fullest  
15 extent technically and economically feasible, all  
16 wells shall be properly plugged not later than July 1,  
17 2000."

18 5. Page 2, by striking lines 11 and 12, and  
19 inserting the following:

20 "a. Class 1 wells shall be plugged by placing  
21 filling materials up to one foot below the static  
22 water level. At least one foot of sealing materials  
23 shall be placed on top of the filling materials up to  
24 the static water level, as a seal. Filling".

25 6. Page 2, line 17, by inserting after the word  
26 "with" the following: "at least one foot of".

27 7. Page 2, line 17, by inserting after the word  
28 "materials." the following: "Obstructions shall be  
29 removed from the top four feet of the ground surface  
30 and the top four feet shall be backfilled with soil  
31 and graded."

32 8. Page 2, by striking lines 20 and 21 and  
33 inserting the following: "static water level. At  
34 least four feet of sealing material shall be added on  
35 top of the filling material up to the original static  
36 water level. Filling materials shall be placed up to  
37 four feet below the ground surface and the well shall  
38 be capped with at least one foot of sealing material.  
39 However, sealing".

40 9. Page 2, line 29, by inserting after the word  
41 "by" the following: "placing sealing materials up to  
42 four feet below the ground surface and by".

43 10. By striking page 3, line 3 through page 4,  
44 line 22, and inserting the following:

45 "5. An owner may, independent of a contractor,  
46 plug a well pursuant to this section subject to review  
47 and confirmation by a designated agent of the county  
48 or a well driller registered with the department."

49 11. Page 4, lines 25 and 26, by striking the  
50 words "an assisting agency or by the service" and

H-4455

Page 2

- 1 inserting the following: "a designated agent or a  
2 registered well driller".  
3 12. Page 4, line 35, by inserting after the word  
4 "assessed." the following: "The penalty shall not be  
5 imposed upon a person for improperly plugging a well  
6 until the department notifies the person of the  
7 improper plugging."  
8 13. Page 5, by striking lines 8 through 11.  
9 14. By renumbering as necessary.

By JOHNSON of Winneshiek

H-4455 FILED MAY 5, 1989

ADOPTED (p. 2532)

HOUSE AMENDMENT TO  
SENATE FILE 441

S-4190

- 1 Amend Senate File 441, as passed by the Senate, as  
2 follows:
- 3 1. Page 1, by striking lines 5 through 8.  
4 2. Page 1, by striking line 19 and inserting the  
5 following:  
6 "    . "Designated agent" means a person other than  
7 the state, designated by a county board of supervisors  
8 to review and confirm that a well has been properly  
9 plugged."
- 10 3. By striking page 1, line 35 through page 2,  
11 line 1.
- 12 4. Page 2, line 9, by inserting after the word  
13 "program." the following: "The schedule established  
14 by the department shall provide that to the fullest  
15 extent technically and economically feasible, all  
16 wells shall be properly plugged not later than July 1,  
17 2000."
- 18 5. Page 2, by striking lines 11 and 12, and  
19 inserting the following:  
20 "a. Class 1 wells shall be plugged by placing  
21 filling materials up to one foot below the static  
22 water level. At least one foot of sealing materials  
23 shall be placed on top of the filling materials up to  
24 the static water level, as a seal. Filling".
- 25 6. Page 2, line 17, by inserting after the word  
26 "with" the following: "at least one foot of".
- 27 7. Page 2, line 17, by inserting after the word  
28 "materials." the following: "Obstructions shall be  
29 removed from the top four feet of the ground surface  
30 and the top four feet shall be backfilled with soil  
31 and graded."
- 32 8. Page 2, by striking lines 20 and 21 and  
33 inserting the following: "static water level. At  
34 least four feet of sealing material shall be added on  
35 top of the filling material up to the original static  
36 water level. Filling materials shall be placed up to  
37 four feet below the ground surface and the well shall  
38 be capped with at least one foot of sealing material.  
39 However, sealing".
- 40 9. Page 2, line 29, by inserting after the word  
41 "by" the following: "placing sealing materials up to  
42 four feet below the ground surface and by".
- 43 10. By striking page 3, line 3 through page 4,  
44 line 22, and inserting the following:  
45 "5. An owner may, independent of a contractor,  
46 plug a well pursuant to this section subject to review  
47 and confirmation by a designated agent of the county  
48 or a well driller registered with the department."
- 49 11. Page 4, lines 25 and 26, by striking the  
50 words "an assisting agency or by the service" and

S-4190

Page 2

1 inserting the following: "a designated agent or a  
2 registered well driller".

3 12. Page 4, line 35, by inserting after the word  
4 "assessed." the following: "The penalty shall not be  
5 imposed upon a person for improperly plugging a well  
6 until the department notifies the person of the  
7 improper plugging."

8 13. Page 5, by striking lines 8 through 11.

9 14. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-4190 FILED MAY 7, 1989

CONCURRED (p. 20 88)

PRIEBE, CH.  
HUSAK  
COLEMAN  
RENSINK  
FUHRMAN

SSB 202  
AGRICULTURE

SENATE FILE 441  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the plugging of abandoned wells, by requesting  
2 assistance from the federal soil conservation service,  
3 appropriating moneys from the agriculture management account,  
4 making a civil penalty applicable, providing an effective  
5 date, and providing for repeal of the Act.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 455B.190, Code 1989, is amended to read  
2 as follows:

3 455B.190 ABANDONED WELLS PROPERLY PLUGGED.

4 1. All abandoned wells, as defined in section 455B.171,  
5 shall be properly plugged in accordance with the schedule  
6 established by the department. The department shall develop a  
7 prioritized closure program and a time frame for the  
8 completion of the program and shall adopt rules to implement  
9 the program.

10 2. The owner shall fill and seal an abandoned well  
11 pursuant to rules adopted by the department of natural  
12 resources. To plug the well, the owner or a person authorized  
13 by the owner, may use materials, including bentonite, approved  
14 by the department.

15 3. The department shall request cooperation from the  
16 federal soil conservation service to implement this section.  
17 The implementation assistance may include but is not limited  
18 to the following:

19 a. That the federal soil conservation service offices in  
20 each conservation district in the state distribute bentonite  
21 to owners of abandoned wells. The department shall provide  
22 each district with bentonite inventory in quantities necessary  
23 to assist owners in the district in plugging and sealing  
24 abandoned wells.

25 b. That the federal soil conservation service officers  
26 inspect the process of plugging abandoned wells according to  
27 rules adopted by the department, and certify that abandoned  
28 wells have been closed according to departmental rule. An  
29 abandoned well that has been certified by the federal soil  
30 conservation service shall be deemed to have met all  
31 requirements under this section for the plugging and sealing  
32 of the well.

33 c. That the federal soil conservation service officers  
34 report to the department violations of this section.

35 4. A person who fails to properly plug and seal an

1 abandoned well on property the person owns, in accordance with  
2 the program established by the department, or as reported by  
3 the federal soil conservation service, is subject to a civil  
4 penalty of up to one hundred dollars per day that the well  
5 remains unplugged or improperly plugged. The moneys collected  
6 shall be deposited in the financial incentive portion of the  
7 agriculture management account. The department of agriculture  
8 and land stewardship may provide by rule for financial  
9 incentive moneys, through expenditure of the moneys allocated  
10 to the financial-incentive-program portion of the agriculture  
11 management account, to reduce a person's cost in properly  
12 plugging wells abandoned prior to July 1, 1987.

13 Sec. 2. Section 455E.11, subsection 2, paragraph b, Code  
14 1989, is amended by adding the following new subparagraph, and  
15 renumbering the subsequent subparagraphs:

16 NEW SUBPARAGRAPH. (3) Five hundred thousand dollars is  
17 appropriated to the department of natural resources for each  
18 of the three fiscal years during the fiscal period beginning  
19 July 1, 1989, and ending June 30, 1992, to purchase,  
20 inventory, and distribute bentonite for use in plugging and  
21 sealing abandoned wells pursuant to section 455B.190.

22 Sec. 3. FUTURE REPEALS.

23 1. Section 455B.190, subsections 2 and 3, as enacted in  
24 this Act, are amended by striking the subsections.

25 2. Section 455E.11, subsection 2, paragraph b,  
26 subparagraph (3), as enacted in this Act, is amended by  
27 striking the subparagraph.

28 3. This section takes effect July 1, 1992.

29 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
30 immediate importance, takes effect upon enactment.

31

#### EXPLANATION

32 This bill provides that the owner of an abandoned  
33 agricultural drainage well shall close the well pursuant to  
34 rules adopted by the department of natural resources, using  
35 materials, including bentonite, approved by the department.

1 The bill requires the department to request assistance from  
2 the federal soil conservation service to assist owners by  
3 distributing bentonite furnished by the department, and to  
4 inspect wells and certify that wells have been closed  
5 according to departmental rules. The soil conservation  
6 service is requested to report to the department violations of  
7 this section. A person who fails to comply with the section  
8 is subject to a civil penalty of up to one hundred dollars per  
9 day that the well remains unplugged or improperly plugged.

10 The bill appropriates \$500,000 to the department of natural  
11 resources from the agriculture management account of the  
12 groundwater protection fund for each of the next three fiscal  
13 years beginning in 1989, 1990, and 1991. The bill takes  
14 effect upon enactment and is effectively repealed July 1,  
15 1992.

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SENATE FILE 441

AN ACT

RELATING TO THE PLUGGING OF ABANDONED WELLS, BY PROVIDING ASSISTANCE TO WELL OWNERS, PROVIDING FOR WELL INSPECTION AND CERTIFICATION, PROVIDING FOR FEES, MAKING A CIVIL PENALTY APPLICABLE, PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR REPEAL OF A PORTION OF THE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455B.190, Code 1989, is amended to read as follows:

455B.190 ABANDONED WELLS PROPERLY PLUGGED.

1. As used in this section:

a. "Class 1 well" means a well one hundred feet or less in depth and eighteen inches or more in diameter.

b. "Class 2 well" means a well more than one hundred feet in depth or less than eighteen inches in diameter or a bedrock well.

c. "Class 3 well" means a sandpoint well or a well fifty feet or less in depth constructed by joining a screened drive point with lengths of pipe and driving the assembly into a shallow sand and gravel aquifer.

d. "Department" means the department of natural resources.

e. "Designated agent" means a person other than the state, designated by a county board of supervisors to review and confirm that a well has been properly plugged.

f. "Filling materials" means agricultural lime. Filling materials may also include other materials, including soil, sand, gravel, crushed stone, and pea gravel as approved by the department.

g. "Owner" means the titleholder of the land where a well is located.

h. "Plug" means the closure of an abandoned well with plugging materials which will permanently seal the well from contamination by surface drainage, or permanently seal off the

well from contamination into an aquifer.

i. "Plugging materials" means filling and sealing materials.

j. "Sealing materials" means bentonite. Sealing materials may also include neat cement, sand cement grout, or concrete as approved by the department.

k. "Well" means an abandoned well as defined in section 455B.171.

2. All abandoned wells, as defined in section 455B.171, shall be properly plugged in accordance with the schedule established by the department. The department shall develop a prioritized closure program and a time frame for the completion of the program and shall adopt rules to implement the program. The schedule established by the department shall provide that to the fullest extent technically and economically feasible, all wells shall be properly plugged not later than July 1, 2000.

3. Wells shall be plugged as follows:

a. Class 1 wells shall be plugged by placing filling materials up to one foot below the static water level. At least one foot of sealing materials shall be placed on top of the filling materials up to the static water level, as a seal. Filling materials shall be added up to four feet below the ground surface. However, sealing materials may be used to fill the entire well up to four feet below the ground surface. The casing pipe shall be removed down to at least four feet below the ground surface and shall be capped with at least one foot of sealing materials. Obstructions shall be removed from the top four feet of the ground surface and the top four feet shall be backfilled with soil and graded.

b. Class 2 wells shall be plugged by placing filling materials at the bottom of the well up to four feet below the static water level. At least four feet of sealing material shall be added on top of the filling material up to the original static water level. Filling materials shall be placed up to four feet below the ground surface and the well shall be capped with at least one foot of sealing material.

However, sealing materials may be used to fill the entire well up to four feet below the ground surface. The upper four feet of the casing pipe below the ground surface shall be removed. The top four feet of the ground surface shall be removed of obstructions and backfilled with soil and graded.

c. Class 3 wells shall be plugged by pulling the casing and sandpoint out of the ground, and collapsing the hole. The well may also be plugged by placing sealing materials up to four feet below the ground surface and by removing the upper four feet of casing pipe below the ground surface. The top four feet of the ground surface shall be removed of obstructions and backfilled with soil and graded.

4. The department shall sponsor an advertising campaign directed to persons throughout the state by print and electronic media designed to notify owners of the deadline for plugging wells, penalties for noncompliance, and information about receiving assistance in plugging wells.

5. An owner may, independent of a contractor, plug a well pursuant to this section subject to review and confirmation by a designated agent of the county or a well driller registered with the department.

6. A person who fails to properly plug an abandoned a well on property the person owns, in accordance with the program established by the department, or as reported by a designated agent or a registered well driller, is subject to a civil penalty of up to one hundred dollars per day every five calendar days that the well remains unplugged or improperly plugged. However, the total civil penalty shall not exceed one thousand dollars. The penalty shall only be assessed after the one thousand dollar limit is reached. If the owner plugs the well in compliance with this section, including applicable departmental rules, before the date that the one thousand dollar limit is reached, the civil penalty shall not be assessed. The penalty shall not be imposed upon a person for improperly plugging a well until the department notifies the person of the improper plugging. The moneys collected shall be deposited in the financial incentive portion of the

agriculture management account. The department of agriculture and land stewardship may provide by rule for financial incentive moneys, through expenditure of the moneys allocated to the financial-incentive-program portion of the agriculture management account, to reduce a person's cost in properly plugging wells abandoned prior to July 1, 1987.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 441, Seventy-third General Assembly.

-----  
JOHN F. DWYER  
Secretary of the Senate

Approved June 1, 1989

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TERRY E. BRANSTAD  
Governor