

CHAPTER 24
PRIVATE WELL TESTING, RECONSTRUCTION, AND
PLUGGING—GRANTS TO COUNTIES

[Prior to 3/29/06, see 567—Ch 47]

641—24.1(135) Applicability. These rules apply to administration of the grants to counties program by the department in accordance with Iowa Code sections 135.11(26) and 455E.11(2)“b”(3)(b) for the purpose of testing private water wells, reconstructing private water wells, and the proper plugging of abandoned private water wells (including cisterns that present a contamination risk to groundwater) within the jurisdiction of each county board of health.

[ARC 1932C, IAB 4/1/15, effective 7/1/15]

641—24.2(135) Definitions.

“*Abandoned private water well*” means a private 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 groundwater is unsafe or impractical.

“*Administrative authority*” means the county board of health or the county board of health’s designee.

“*Administrative expenses*” means salary, transportation and other associated costs for conducting the private well testing, reconstruction, and plugging program.

“*Certified laboratory*” means a laboratory certified by the Iowa department of natural resources in accordance with 567—paragraph 83.1(3)“a.”

“*Cistern*” means an artificial reservoir or tank constructed underground in which rainwater or private well water is stored.

“*County board of health*” means the board of health of a county as established in accordance with Iowa Code chapter 137.

“*Department*” means the Iowa department of public health.

“*Plugging*” means the closure of an abandoned well with plugging materials by procedures which will permanently seal the well from contamination by surface drainage and permanently seal off the well from contamination into an aquifer. “Well plugging” includes the proper application of filling and sealing materials.

“*Private water well*” means any excavation that is drilled, cored, driven, dug, bored, augered, jetted, washed or otherwise constructed for the purpose of supplying water for human consumption which has fewer than 15 service connections and regularly serves fewer than 25 individuals daily at least 60 days out of the year and agricultural use wells.

“*Public water supply*” means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days during the year.

“*Reconstruction*” means modification of the original construction of a well. “Reconstruction” includes, but is not limited to, deepening the well, installing a liner, installing or replacing a screen with one of a different diameter or length, installing a pitless adapter, extending the casing, or hydrofracturing a well. Replacing a screen with one of identical diameter and length or replacing a pitless adapter is considered repair, not reconstruction.

“*Total funds available*” means the sum of the pesticide/fertilizer taxes allocated within Iowa Code section 455E.11(2)“b” (agricultural management account), within a specific state fiscal year, plus any carryover funds remaining from the previous fiscal year, which are returned to the section 455E.11(2)“b” (agricultural management account) grants to counties fund.

[ARC 1932C, IAB 4/1/15, effective 7/1/15]

641—24.3(135) Eligibility. Grant applications must be submitted by a county board of health. Only counties which have adopted standards for private water supply and private sewage disposal facilities (on-site wastewater treatment systems) at least as stringent as and consistent with 567—Chapter 49 and 567—Chapter 69 and demonstrate an effort to enforce such standards will be eligible to receive grant

funds. A county is eligible to submit only one application, either as an individual applicant or as a member of a multicounty application.

641—24.4(135) Goal and objectives.

24.4(1) The goal of the program is to protect groundwater quality by providing assistance in testing all private water supply wells and to use the test information to improve the quality of water in these supplies; to assist in reconstructing eligible private wells; and to assist in plugging all abandoned private water wells (including cisterns that present a contamination risk to groundwater).

24.4(2) Allocation of funds.

a. During each fiscal year, the amount granted each eligible applicant shall be the total funds available as defined in Iowa Code section 455E.11 divided by the number of eligible counties applying.

b. The department will annually determine the potential for unused funds from contracts. If funds are available, reallocation of the funds to eligible counties for grant purposes shall be at the discretion of the department.

24.4(3) Specific program objectives for each county.

a. The specific objectives of the well testing program are:

(1) To provide for regular and periodic testing of private water supply wells using proper sampling, handling and analytical techniques.

(2) To provide for timely responses and corrective action in instances of contamination of private water supply wells.

(3) To establish a reliable and accurate database of information on the location and construction of private water supply wells and water quality of private water supply wells.

b. The specific objectives of the well reconstruction program are:

(1) To identify all private wells eligible for reconstruction cost assistance and to administer private well reconstruction programs.

(2) To ensure the proper reconstruction of all eligible private wells.

(3) To provide cost-sharing grants to owners to assist in the costs of properly reconstructing private wells.

c. The specific objectives of the abandoned private water well plugging program are:

(1) To identify all abandoned private water wells and administer abandoned private water well plugging programs.

(2) To develop abandoned private water well plugging plans in accordance with administrative rules relating to the priority order and the proper plugging of abandoned wells (including cisterns that present a contamination risk to groundwater).

(3) To ensure the proper plugging of all abandoned private water wells (including cisterns that present a contamination risk to groundwater).

(4) To provide cost-sharing grants to owners to assist in the costs of properly plugging abandoned private water wells (including cisterns that present a contamination risk to groundwater).

[ARC 2563C, IAB 6/8/16, effective 7/13/16]

641—24.5(135) Eligible grant costs. The following are annual eligible costs for which the department will reimburse participating counties:

24.5(1) Actual costs up to \$1,000 will be paid to the participating county for private water well-related training expenses, including registration, mileage, lodging, and meals for employees attending department-approved trainings.

24.5(2) Actual costs up to \$500 will be paid to the participating county for supplies related to the grants to counties program. Eligible supplies include, but are not limited to, Global Positioning System (GPS) units, private water well data software, inspection supplies, cameras, and sampling equipment.

24.5(3) Actual costs up to \$1,000 will be paid to the participating county for advertising and promotional expenses to educate county residents about the availability of funds for private water well testing, abandoned well plugging, and private water well reconstruction.

24.5(4) Actual costs will be paid to the participating county for each private water well test conducted under the program, including \$60 for administrative expenses. At a minimum, well sampling shall include analyses for total nitrate (including nitrite) and total coliform bacteria. Optional analyses may also include arsenic.

24.5(5) The total maximum reimbursement to the county for a well plugging is \$575. Actual costs up to \$500 will be paid for each abandoned private water well plugging conducted in accordance with 567—Chapter 39. The county shall directly reimburse these costs to the well owner. An administrative expense of \$75 shall be retained by the participating county. Private water well plugging must be conducted by a certified individual as defined in 567—Chapter 82 or by the well owner under direct supervision by the county.

24.5(6) The total maximum reimbursement to the county for a cistern plugging is \$375. Actual costs up to \$300 will be paid for each cistern plugging deemed by the administrative authority to impact groundwater. The county shall directly reimburse these costs to the cistern owner. An administrative expense of \$75 shall be retained by the participating county. Cistern plugging must be conducted by a certified individual as defined in 567—Chapter 82 or by the well owner under direct supervision by the county.

24.5(7) The total maximum reimbursement to the county for a well reconstruction is \$1,330. Actual costs up to \$1,000 in reconstruction costs will be paid for each reconstruction. The county shall directly reimburse these costs to the well owner. An administrative expense of 33 percent of the actual reconstruction costs will be retained by the participating county. Grant funds may be used to conduct reconstruction intended to preclude contamination due to surface water intrusion by coliform or other infectious bacteria. Examples include repairs of casing, well caps, or pitless adapters and elimination of well pits.

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641—24.6(135) Ineligible grant costs. Grant funds shall not be used for the following:

24.6(1) Conducting environmental health programs other than those related to the private well testing, reconstruction, and plugging program.

24.6(2) Conducting activities outlined in rule 641—24.5(135) prior to or after the grant period specified.

24.6(3) Analytical services performed by other than a certified laboratory.

24.6(4) Sampling and analytical costs for testing public water supply wells.

24.6(5) Plugging and reconstruction of wells that are not private water supply wells.

24.6(6) Cost of laboratory analytical equipment.

24.6(7) Sampling and analytical costs for testing of wells other than private water supply wells.

24.6(8) Sampling and analytical costs for testing of parameters which have not had either a maximum contaminant level or an Environmental Protection Agency (EPA) health advisory level established.

24.6(9) Reconstructing a well which does not meet separation distances as established in 567—Chapter 49. Grant moneys cannot be used for reconstruction of a well which, in the judgment of the administrative authority, will remain a hazard to groundwater quality.

24.6(10) Reimbursement of any individual or entity other than the well owner.

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641—24.7(135) Performance requirements. The following minimum standards must be met by all grantees:

24.7(1) Sample collection. Private water supply well samples are to be collected using proper sample collection and handling techniques as specified by the department. Samples shall be collected by a qualified staff person pursuant to 24.7(3) who is employed by or under contract with the local board of health.

24.7(2) Background information. For each well tested, reconstructed, or plugged, all appropriate information must be verified by a qualified staff person pursuant to 24.7(3) who is employed by or under contract with the local board of health and must be entered into the private well tracking system (PWTS) managed by the Iowa department of natural resources. Information shall include at a minimum:

- a. The name and address of the private water well owner or abandoned private water well owner.
- b. Private water well or abandoned private water well location to the quarter, quarter, quarter section or latitude and longitude coordinates.
- c. Records of dates for reconstructing private water wells or plugging abandoned private water wells (including cisterns).
- d. The name and the license number of the water well contractor conducting the private water well reconstruction or the abandoned private water well plugging.

24.7(3) *Qualified staff.* Staff conducting water well sampling, providing oversight of well or cistern plugging, providing oversight of well reconstructions, or providing technical assistance under this agreement shall complete a minimum of 12 hours of continuing education every year as approved by the Iowa Environmental Health Association Environmental Health Registry Program.

24.7(4) *Laboratory analyses.* All analyses must be performed by a laboratory certified by the department of natural resources in accordance with 567—paragraph 83.1(3) “a” and shall conform with the following:

- a. The total coliform bacteria analyses must be performed using an EPA-approved reference method suitable for producing accurate results considering the conditions of the water being tested.
- b. Copies of test results must be retained by the grantee and be provided to the owner and user and to the board of health of the county in which the well is located. Copies of the test results will be provided to the department upon request.

24.7(5) *Follow-up.* The grantee will be responsible for follow-up and response to requests from the well owner or well user for assistance relative to well test results, the well testing program, and satisfactory well construction and location.

24.7(6) *Adopted standards.* All counties participating in the program must have adopted standards for private water supplies and private sewage disposal facilities which are at least as stringent as and consistent with the standards adopted by the commission in 567—Chapter 49 for nonpublic water wells and 567—Chapter 69 for on-site wastewater treatment and disposal systems.

24.7(7) *Quarterly reports.* All counties participating in the program shall submit quarterly reports to claim expenses incurred under this program on a claim voucher provided by the department.

24.7(8) *Procedures manual.* A detailed procedures manual including, but not limited to, the following:

- a. The qualifications of personnel responsible for carrying out the program.
- b. The name and address of the certified laboratory(ies) which will be providing analytical services.
- c. A description of the environmental health and public information programs related to the private well testing, abandoned well plugging, or private well reconstruction programs.
- d. Methods to be used by the applicant for selecting private water wells for testing, abandoned private water wells for plugging, or private water wells for reconstruction and the method to address the number of tests which will be reimbursed for individual property owners.
- e. The duties to be performed by any subcontractor for any part of the grant.
- f. A description of the follow-up activities to be performed by staff in responding to test results.
- g. A record-keeping and reporting policy.
- h. Methods of notifying participating well owners.

[ARC 1932C, IAB 4/1/15, effective 7/1/15]

641—24.8(135) Contents of grant application. The application shall include:

24.8(1) The name, address, and telephone number of the chairperson of the county board of health. For applications representing more than one county, the applicant is the chairperson of the county board of health of the lead county responsible for administering the grant.

24.8(2) The name of each county represented in the grant application.

24.8(3) Upon request from the department, a copy of the adopted standards outlined in subrule 24.7(6) for each county represented in the application.

24.8(4) For multicounty applications, signed Iowa Code chapter 28E agreements between each participating county and the applicant upon request from the department.

24.8(5) If applicable, an identification of any subcontractor who will participate in the private water well testing, abandoned private water well plugging program, or private water well reconstruction program, including mailing address and telephone number.

[ARC 2563C, IAB 6/8/16, effective 7/13/16]

641—24.9(135) Grant application submission.

24.9(1) *Application form.* Participating counties shall complete an application form provided by the department.

24.9(2) *Submission.* The department will notify each county board of health of the grant application due date at least 60 days prior to the due date. Completed applications must be received by the Iowa Department of Public Health, Division of Acute Disease Prevention, Emergency Response and Environmental Health, 321 E. 12th Street, Des Moines, Iowa 50319, by the close of business on the application due date. Applications not received by the application due date will be considered ineligible to receive funding during the appropriate fiscal year.

[ARC 1932C, IAB 4/1/15, effective 7/1/15]

641—24.10(135) Multicounty grant applications. Two or more counties may join together to apply for a grant. However, for the purposes of multicounty grant programs, the department will accept only one application from the counties involved. The application shall identify the lead county responsible for administering the grant. For multicounty programs, the department will make one grant to the lead county and not to each individual participating county. However, each county represented in the grant application will receive an equal distribution of dollars.

641—24.11(135) Grant period. Grants will be awarded to successful applicants on an annual basis concurrent with the state fiscal year beginning on July 1 and ending on June 30 of the following calendar year.

641—24.12(135) Record keeping and retention. Rescinded ARC 2563C, IAB 6/8/16, effective 7/13/16.

641—24.13(135) Grant amendments. Grant agreements which have been approved may be amended, if funds are available, to increase or decrease the program scope or to increase or decrease the program costs.

641—24.14(135) Termination or forfeiture of grant funds.

24.14(1) The grant will be forfeited if the grant was obtained by fraud or misrepresentation regardless of whether grant moneys have already been given to the grantee. Any grant moneys received or spent shall be repaid to the department.

24.14(2) If the department determines that activities agreed upon in the grant agreement have not been satisfactorily completed, forfeiture of a portion of or the entire grant may result.

24.14(3) The continuation or renewal of a grant shall be contingent upon the county's acceptable performance in carrying out its responsibilities described in the procedures manual and in meeting the grant program goals and objectives. All grants will be issued for one year concurrent with a state fiscal year. Applicants must reapply to continue or renew any grant within the specified grant application acceptance period. The department may deny the awarding of a grant extension or may withdraw a grant if it is determined that the county has not carried out the grant responsibilities.

24.14(4) An applicant may appeal the denial of a properly submitted grant application. Appeals shall be governed by rule 641—176.8(135,17A).

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These rules are intended to implement Iowa Code sections 455E.11 and 135.11(26).

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