

Reprinted 3/26/85

MAR 18 1985

HOUSE FILE 649

Place On Calendar

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(Formerly House Study Bill 92)

Passed House, Date 3-26-85 (p. 1065) Passed Senate, Date 4-19-85 (P. 1515)

Vote: Ayes 90 Nays 5 Vote: Ayes 22 Nays 23

Approved May 23, 1985

# A BILL FOR

- 1 An Act relating to water wells by providing for regulation of
- 2 water wells and the registration of water well contractors.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 649

H-3429

- 1 Amend House File 649 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "water." the following: "'Water well" does not
- 4 include an open ditch or drain tiles."

H-3429 FILED MARCH 25, 1985 BY JOHNSON of Winneshiek  
*Adopted 3/26 (p. 1065)*

HOUSE FILE 649

H-3443

- 1 Amend House File 649 as follows:
- 2 1. Page 1, line 17, by striking the words
- 3 "maintain and".
- 4 2. Page 1, line 35, by striking the word
- 5 "less" and inserting in lieu thereof the word
- 6 "more".

H-3443 FILED MARCH 25, 1985 BY WELDEN of Hardin  
*Adopted 3/26 (p. 1065)*

HF 649

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

3 NEW SUBSECTION. 24. "Abandoned well" means a water well  
4 which is no longer in use or which is in such a state of dis-  
5 repair that continued use for the purpose of accessing ground  
6 water is unsafe or impracticable.

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

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

11 NEW SUBSECTION. 27. "Water well" means an excavation that  
12 is drilled, cored, bored, augered, washed, driven, dug, jetted  
3429 13 or otherwise constructed for accessing ground water.

14 NEW SUBSECTION. 28. "Construction" means the physical act  
15 or process of making a water well including, but not limited  
16 to, siting, excavation, construction and the installation of  
3443 17 equipment and materials necessary to maintain and operate the  
18 well.

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

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

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

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

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

31 b. A local board of health is the agency to regulate the  
32 construction, reconstruction and abandonment of water wells  
33 not otherwise regulated by the department. The local board of  
34 health shall not adopt standards relative to the construction,  
3453 35 reconstruction and abandonment of wells less stringent than

1 those adopted by the department.

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

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

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

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

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

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

EXPLANATION

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2 This bill provides for the regulation of the construction,  
3 reconstruction, and abandonment of water wells, and for the  
4 registration of water well contractors. The department of  
5 water, air and waste management is responsible for adopting  
6 rules to implement this Act. The department may delegate  
7 administration and enforcement to boards of health or other  
8 agencies which have adequate authority and enforcement  
9 ability.

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HOUSE FILE 649

BY COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

(As Amended and Passed by the House March 26, 1985)

Passed House, Date 4-26-85 (p. 1990) ~~Failed~~ Passed Senate, Date 4-19-85 (p. 1515)

Vote: Ayes 78 Nays 14 Vote: Ayes 22 Nays 23

Approved May 23, 1985

*Motion to Reconsider (p. 1545)*  
*Reconsidered. Passed Senate 4-24-85 (1625)*  
*29-18*

# A BILL FOR

- 1 An Act relating to water wells by providing for regulation of
- 2 water wells and the registration of water well contractors.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE AMENDMENT TO  
HOUSE FILE 649

H-4077

- 1 Amend House File 649 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by inserting after line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_ . NEW SECTION. 455B.186B PROVISION FOR
- 6 EMERGENCY REPLACEMENT OF WATER WELLS.
- 7 Rules adopted to implement section 455B.172,
- 8 subsection 3, paragraph "b"; 455B.173, subsection 9;
- 9 and section 455B.186A shall specifically provide for
- 10 the immediate replacement or reconstruction of water
- 11 wells in response to the sudden and unforeseen loss or
- 12 serious impairment of a well for its intended use.
- 13 These provisions shall include the granting of
- 14 emergency authorizations and registration of well
- 15 contractors pursuant to section 455B.186A and may
- 16 include the granting of variances and exemptions from
- 17 technical standards as appropriate."
- 18 2.. Renumber as necessary.

H-4077 FILED APRIL 26, 1985  
CONCURRED

RECEIVED FROM THE SENATE  
*Have concurred 4/26/85 (p. 1990)*

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

3 NEW SUBSECTION. 24. "Abandoned well" means a water well  
4 which is no longer in use or which is in such a state of dis-  
5 repair that continued use for the purpose of accessing ground  
6 water is unsafe or impracticable.

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

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

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

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

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

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

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

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

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

32 b. A local board of health is the agency to regulate the  
33 construction, reconstruction and abandonment of water wells  
34 not otherwise regulated by the department. The local board of  
35 health shall not adopt standards relative to the construction,

1 reconstruction and abandonment of wells less stringent than  
2 those adopted by the department.

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

6 NEW SUBSECTION. 5. Pursuant to chapter 28E, the depart-  
7 ment may delegate its authority for regulation of the  
8 construction, reconstruction and abandonment of water wells  
9 specified in subsection 3 or the registration of water well  
10 contractors specified in subsection 4 to boards of health or  
11 other agencies which have adequate authority and ability to  
12 administer and enforce the requirements established by law or

3780-13 rule.

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

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

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

29 A contractor shall not engage in well construction or re-  
30 construction without first registering as required in  
31 department rules. Water wells shall not be constructed,  
32 reconstructed, or abandoned by a person except as provided in  
33 this part or rules adopted pursuant to this part. Within  
34 thirty days after construction or reconstruction of a well, a  
35 contractor shall provide well information required by rule to

1 the department and the Iowa geological survey.

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S-3780

HOUSE FILE 649

1 Amend House File 649 as amended, passed, and  
2 reprinted by the House as follows:  
3 1. By striking page 1, line 35 through page 2,  
4 line 2 and inserting the following: "health shall  
5 adopt standards relative to the construction,  
6 reconstruction and abandonment of wells that are  
7 consistent with and not more restrictive than those  
8 adopted by the department."  
9 2. Page 2, line 13, by inserting after the word  
10 "rule." the following: "The standards shall be the  
11 same standards as adopted by the department."

S-3780 Filed April 17, 1985

By HOLDEN

*Loc 4/19/85 (y 1514)*

S-3932

HOUSE FILE 649

1 Amend House File 649 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 3, by inserting after line 1 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 455B.186B PROVISION FOR  
6 EMERGENCY REPLACEMENT OF WATER WELLS.  
7 Rules adopted to implement section 455B.172,  
8 subsection 3, paragraph "b"; 455B.173, subsection 9;  
9 and section 455B.186A shall specifically provide for  
10 the immediate replacement or reconstruction of water  
11 wells in response to the sudden and unforeseen loss or  
12 serious impairment of a well for its intended use.  
13 These provisions shall include the granting of  
14 emergency authorizations and registration of well  
15 contractors pursuant to section 455B.186A and may  
16 include the granting of variances and exemptions from  
17 technical standards as appropriate."  
18 2. Renumber as necessary.

S-3932 Filed April 23, 1985

By COLTON & PRIEBE

now

HF 649

HSB 92

ENERGY AND ENVIRONMENTAL PROTECTION

HOUSE FILE 149

BY (PROPOSED COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION BILL)

Study Bill 92

Energy and Environmental Protection: Johnson, Chair; Black, Mullins, Skow and Torrence.

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

A BILL FOR

1 An Act relating to water wells by providing for regulation of
2 water wells and the registration of water well contractors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 adding the following new subsections:

3 NEW SUBSECTION. 24. "Abandoned well" means a water well  
4 which is no longer in use or which is in such a state of dis-  
5 repair that continued use for the purpose of obtaining ground  
6 water is unsafe or impracticable.

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

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

11 NEW SUBSECTION. 27. "Water well" means an excavation that  
12 is drilled, cored, bored, augered, washed, driven, dug, jetted  
13 or otherwise constructed when the intended use is for the  
14 withdrawal, artificial recharge, or testing of ground water.

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

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

22 NEW SUBSECTION. 3. The department is the state agency to  
23 regulate the construction, reconstruction and abandonment of  
24 water wells. Pursuant to chapter 28E, the department may  
25 delegate implementation of its authority to local boards of  
26 health or other agencies which have adequate authority and  
27 ability to administer and enforce the requirements established  
28 by law or rule.

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

31 NEW SUBSECTION. 9. Adopt, modify or repeal rules relating  
32 to the construction and reconstruction of water wells, the  
33 proper abandonment of wells, and the registration of water  
34 well contractors. The rules shall include those necessary to  
35 protect the public health and welfare, and to protect the

1 waters of the state. The rules may include, but are not  
2 limited to, establishing fees for registration of water well  
3 contractors, requiring the submission of well logs, formation  
4 samples or well cuttings, water samples, and requiring  
5 inspections. Fees shall be based upon the reasonable cost of  
6 conducting the water well contractor registration program.

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

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

17 **EXPLANATION**

18 This bill provides for the regulation of the construction,  
19 reconstruction, and abandonment of water wells, and for the  
20 registration of water well contractors. The department of  
21 water, air and waste management is responsible for adopting  
22 rules to implement this Act. The department may delegate  
23 administration and enforcement to local boards of health or  
24 other agencies.

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HOUSE FILE 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.

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.

---

DONALD D. AVENSON  
Speaker of the House

---

ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 649, Seventy-first General Assembly.

---

JOSEPH O'HERN  
Chief Clerk of the House

Approved May 23, 1985

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TERRY E. BRANSTAD  
Governor