CLARKE COUNTY BOARD OF HEALTH
CLARKE COUNTY IOWA
RULES AND REGULATIONS
CHAPTER 04

PRIVATE WATER WELL PERMITTING

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<u>04.01</u> Definitions. For use in this chapter the following terms are defined.

"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 groundwater is unsafe or impracticable.
"Construction" means the physical act or process of making a water well including, but not limited to, siting, excavation, construction and installation of equipment and materials necessary to maintain and operate the well.
"Contiguous" means any number of parcels of land that physically touch one another, including tracts of land separated by roads, railroads or streams, except that for the purpose of reporting on other existing wells on the property, the radius of a contiguous piece of land shall be limited to one mile from the site of the newly constructed well.
"Contractor" means a person engaged in the business of well construction or reconstruction. The term may include a corporation, partnership, sole proprietorship, association or any other business entity, as well as any employee or officer of the entity.
"Department" (455B) means the Iowa Department of Natural Resources.
County Sanitarian" means the Clarke County Sanitarian.
"Groundwater" means any water below the surface of the earth.
"*Ground Source Heat Wells"* means any vertical well used as a heat source.
"Inactive water well" means a water well which is not currently in use and is capped or sealed to prevent the entrance of contaminants into the well, but is in such a condition that it can be activated to produce a safe supply of water.
"Landowner" means an individual, trust, partnership, corporation, government or governmental subdivision or agency, association or other legal entity that has legal or equitable title to a piece of land.

"Landowner's agent" means a person who acts for or in place of the landowner by written authority from the landowner.
"Private water well" means a well that does not supply a public water supply system.
"Protected source" means a surface water or groundwater source recognized by rule as deserving special protection in order to ensure its long-term availability, in terms of either quality or quantity, or both, to preserve the public health and welfare.
"Public water supply system" 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 out of the year. The term includes
(1) any collection, treatment, storage, and distribution facilities under control of the supplier of water and used primarily in connection with the system, and
(2) any collection (including wells) or pretreatment storage facilities not under the supplier's control which are used primarily in connection with the system.
"Water well" means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. Water well does not include an open ditch or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

04.02 Permit Requirement

(1) *When permit required.* A landowner or landowner's agent shall not drill or construct a new private water well without first obtaining a well construction permit issued by County Sanitarian, its designee, or the Board of Health, authorized to issue permits pursuant to this regulation. Examples of private water wells requiring well construction permits include, but are not limited to: domestic wells, livestock wells, irrigation wells, recreational-use wells, monitoring wells, heat pump wells, industrial wells, and dewatering wells, except that dewatering wells shall be exempt from the construction standards of the Iowa Administrative Code(hereinafter referred to as "IAC") Rule 567-49 (nonpublic water wells).

(2) *Exemptions.* The following types of excavations do not need private water well construction permits: soil borings, percolation test holes, sand and gravel and limestone exploration holes, excavations for storing and extracting natural gas or other products, gravel pits and quarries and all monitoring wells required as part of a permit or a construction approval issued by the County Sanitarian or the Board of Health. Test holes, used to determine the availability, quality or depth of groundwater are also exempt provided that all the following conditions are met.
a. The use of the test hole is limited to conducting the test only.
b. The duration of the test is not more than seven consecutive days.
c. The test hole is properly closed immediately after the test is completed in accordance with (IAC Rule 567-39 "Requirements for Properly Plugging Abandoned Wells").

04.03 Form of Application. Application shall be made on forms supplied by the County Sanitarian or the Board of Health. Each application shall list all wells, including non plugged abandoned wells, on the applicant's property which are contiguous to the well site described in the application and shall describe the location of each well site. The location shall be given in the form of a legal land description (section, township and range) to the nearest quarter of a quarter of a quarter of a section, or as a latitude and longitude in degrees to four decimal accuracy. The list of wells to be registered shall include but is not limited to abandoned wells, inactive wells, agricultural drainage wells, irrigation wells, domestic wells and livestock wells.

04.04 Fees. Effective May 5, 2004, each application shall be accompanied by a nonrefundable fee, payable to the Clarke County Treasurer, or Clarke County Environmental Services, pursuant to IAC Rule 567-38.15. See separate fee schedule at the end of County regulations for a detailed listing of fees. More than one proposed well for the same use on one contiguous piece of property of less than ten acres may be listed on one application and only one fee need be paid. Applications concerning additional wells located on the same property which are submitted separately require an additional fee. A complete application shall consist of a fully and properly completed form and nonrefundable fee.

04.05 Well Maintenance and Reconstruction. A private well construction permit is required for all replacement wells. A private well construction permit is required for modification to a well including, but not limited to, changes in physical dimensions, deepening the well and changing the diameter or length of the casing or the screen. A private well construction permit is not required for the repair, maintenance, or rehabilitation of an existing well that does not change its physical dimensions.

04.06 Emergency permits. Permits may be issued on an emergency basis 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. For any emergency replacement or reconstruction occurring after hours, or on weekends or holidays, notify the County Sanitarian on the next working day for permit issuance and inspection.

04.07 Permit issuance and conditions.
(1) *When issued.* Upon receipt of an application that complies with this Chapter, as well as any other applicable law, the County Sanitarian shall issue a permit to the landowner or landowner's agent except as provided in rule 03.11.
(2) *Construction by certified well contractor.* Wells shall be constructed by certified well contractors in compliance with IAC Rule 567- 49 and Rule 567- 82. Temporary dewatering wells at construction sites shall be exempt from the construction standards of IAC Rule 567-49.

04.08 Expiration of a permit. A private well construction permit shall expire one calendar year from the date of issuance. If construction of the proposed well is not started prior to the expiration date, a new application plus a new nonrefundable fee must be filed with the County Sanitarian or the Board of Health.

04.09 Transferability. A private well construction permit is not transferable.

04.10 Denial of a permit. The County Sanitarian and the Board of Health may deny a private well construction permit if granting the permit would lead to the violation of state law, could result in groundwater contamination, would lead to withdrawal from a protected source, or the well could threaten public health or the environment. Examples of wells that could threaten public health or the environment and, therefore, may be denied construction permits include, but are not limited to: in situ mining wells, wells which may result in a negative impact on an identified point source of groundwater contamination and cause leachate plume to spread or migrate, underground injection wells except as provided in IAC Rule 567-50.6(4) and IAC Rule 567-62.9(455B).

04.11 Appeal of a Permit Denial. Any applicant aggrieved by a decision issued under the provisions of this regulation may file a notice of appeal with the Board of Health. The notice of appeal must be filed within 30 days of the date of the permit decision. Appeal of a permit denied by the County Sanitarian, which has been delegated authority to issue private water well permits, shall be administered by the Board of Health in accordance with the county's appeal or judicial review process.

04.12 Severability. Each section**,** paragraph, sentence, clause and provision of these rules and regulations is separate and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of these rules and regulations nor any part thereof other than that part affected by the decision.

04.13 Noncompliance. Violations of any of the provisions of this regulation may be addressed by the Board of Health pursuant to Iowa Code sections 455B.109, 455B.110, and 455B.175 and 455B.191.

04.14 Penalties. Section 137.21 of the Code of Iowa specifies: "Any person who violates any provision of this chapter or the rules of a local board or any lawful order of said board, its officers, or authorized agents shall be guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule or lawful order after notice of violation by the local board shall constitute a separate offense."