

TITLE IV - HEALTH REGULATIONS

CHAPTER 32

NONPUBLIC WATER WELLS

32.01 Purpose. The purpose of this Regulation is to protect the public health by protecting groundwater supplies from contamination by establishing uniform minimum standards and methods for well construction and reconstruction for nonpublic water supply wells. This Regulation also provides for minimum standards for the installation of water well pumps or equipment employed in withdrawing or obtaining water from a well for any use, except monitoring wells, including such seals and safeguards as may be necessary to protect from contamination the water in the aquifer and water being pumped from the well.

32.02 Applicability. The provisions contained herein apply to all nonpublic water supply wells constructed for the purpose of domestic, livestock, irrigation, recreation and commercial or industrial use. They shall also apply to existing water wells undergoing reconstruction. Ponds and surface water supplies are not covered by these standards. Information regarding use of these sources of water should be sought from the Iowa Department of Natural Resources, Water Supply Division prior to the development of the sources.

32.03 Adoption Of Iowa State Administrative Law. The provisions of Iowa Administrative Code Chapter 567-38 Private Water Well Construction Permits, Chapter 567-39 Requirements for Properly Plugging Wells, and Chapter 567-49 Nonpublic Water Supply Wells, a copy of which are on file in the Office of Environmental Health are hereby adopted by reference. All regulations, provisions, conditions and terms of the Iowa Administrative Code for the specified chapters, Current Edition, are hereby referred to, adopted and made part hereof as if fully set out in this code. The following additions are hereby required:

1. No service water line shall be installed without first checking with the Office of Environmental Health to assure it will not interfere with /or prohibit the installation of an on-site wastewater treatment and disposal system.

2. Under no circumstances shall two sources of water supply be connected into a single closed pressure system.

32.04 Private Water Well Construction Permits. Permits Required. All applicants wishing to install or reconstruct a water well shall obtain a permit from the Office of Environmental Health. No nonpublic water well shall be installed or reconstructed until an application has been submitted and a permit has been issued by the Office of Environmental Health. The installation shall be in accordance with this regulation. Any construction or reconstruction of a non-public water supply well pursuant to a valid permit issued prior to the effective date of this amendment may be completed in accordance with the terms and conditions of that permit. The Office of Environmental Health shall coordinate with the withdrawal permits issued by the Iowa Department of Natural Resources.

32.05 Availability of Public Water Supply. Where a public water supply system becomes reasonably accessible, any dwelling or structure then served by a nonpublic water supply system shall connect to said public water supply within one (1) year.

If a public water supply is available, a nonpublic water supply well which complies with this Regulation may be approved by the Office of Environmental Health for irrigation or agricultural purposes only.

32.06 Application

Applications for well permits shall be made in accordance with this Section.

1. Unless otherwise specified, all applications for permits under this Code shall be submitted by the property owner or his authorized agent to the Office of Environmental Health. The Health Officer may require reasonable proof of agency from any person submitting an application as an agent.

2. Any person or firm desiring to obtain a permit authorizing well work shall furnish, upon request of the Health Officer, a copy of a current license from the Iowa Department of Natural Resources. All work authorized by a well permit shall be performed by or under the direct supervision of a well contractor certified under Section 567 Chapter 82 of the Iowa Administrative Code.

3. An application for any permit under this Regulation shall be submitted in such form, number of copies and format as required by the applicable regulation. The Health Officer may waive submission of required elements of information when in his/her opinion such information is otherwise available or is not necessary for the review of the application.
4. Submit with the Permit Application, a Floodplain Development Permit Application (if required). These reports and plans will be reviewed concurrently with the application.
5. All applications for permits shall be submitted, reviewed, and processed in accordance with the requirements of this Regulation and Chapter 32, Nonpublic Water Wells Ordinance. Any permit issued in noncompliance with this Regulation shall be null and void.
6. When Construction Plans or Site Plans are required; approval of those plans will be a precondition to issuance of a permit. Except as otherwise allowed, zoning, floodplain, and subdivision regulations must be met prior to permit issuance.
7. A copy of required plans or information submitted with the application shall be returned to the applicant after the Health Officer has marked the copy either approved or disapproved and attest to the same. The Health Officer shall retain a similarly marked copy.
8. Unless otherwise provided, any permit for any well for which a State or County on-site wastewater treatment system permit is required; shall not be issued until the County or State has approved such permit. Also, a permit for a well shall not be issued until any abandoned well on site is sealed in accordance with Chapter 39 of the Iowa Administrative Code.
9. No work shall commence until the application is approved and the permit has been issued.
10. The permit must be posted in a prominent place on the site at all times it is in effect.

32.07 Fees. A fee in the amount of \$175.00 shall accompany each application. No permit or certificate shall be issued unless or until all charges and fees have been paid in full. In the event construction or reconstruction of a well has commenced without a permit, a 10% penalty shall be applied to the permit fee.

A federal, state or local government, or subdivision or agency thereof, or a bona-fide educational organization shall be exempt from payment or permits fees upon approval by the Board of Health, if it is shown that the permit for the well will be used for a public purpose or program. All other requirements of the Regulation are applicable.

1. Upon the completion of the well, the homeowner shall collect a sample of the water and submit it for analysis as required under IAC Environmental Health [567]Chapter 49, 49.27(1).
2. A copy of the test results will be submitted to the Office of Environmental Health.

32.08 Issuance. Permits shall be issued as follows:

1. Plot or Site Plans, if required, must be approved prior to issuance of any permits.
2. Permits of on-site wastewater treatment system, if required, must be approved prior to issuance of a well permit.
3. For permit purposes, the Final Plat recording may be deferred on group developments, but a Certificate of Occupancy may not be issued until all well requirements have been met.
4. Review of all plans may be current.

32.09 Permit Appeals

1. Any owner or occupant who has been aggrieved by a decision of the Health Officer may within ten (10) days of such order, appeal to the Board of Health by giving notice of appeal in writing stating the reasons such order should be rescinded or modified.

2. The Board of Health shall appoint an Appeals Committee and notify the appellant in writing of the date, time and place of the appeal hearing.

3. The Appeals Committee shall conduct the hearing and determine to modify or withdraw said order. If not modified or withdrawn, the Order shall stand.

4. Any aggrieved person may appeal the decision of the Board of Health Appeals Committee to the Dallas County Board of Supervisors by written notice of appeal received by the Health Officer within ten (10) days after the date of the Board of Health Appeals Committee decision, stating the reason for requesting such decision be rescinded or modified. The Office of Environmental Health shall within five (5) working days after receiving such appeal acknowledge the receipt in writing.

5. The Dallas County Board of Supervisors may, but, need not, schedule a hearing on the appeal. If a hearing is held, the Board of Supervisors may vote, by simple majority of the quorum of members present to modify or withdraw the original order. If not modified or withdrawn, or if no Board of Supervisors hearing is scheduled to take place on the appeal within thirty (30) days of the receipt by the Office of Environmental Health, the Order shall stand.

32.10 Permit Expiration

1. If the work authorized by a permit has not commenced within one year of the date of issuance thereof, such permit shall be void and a new permit, consistent with all provisions of this Ordinance shall be required.

2. If, after date of issuance, the work is discontinued or incomplete for a period of one (1) year, the permit shall immediately expire.

3. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

32.11 Inspections and Investigations

The Health Officer shall have the right, upon presentation of proper credentials, or inspection warrant if necessary, to enter on any property or premises, public or private, within the jurisdiction of the Board of Health at any reasonable hour for the purposes of inspection, determination of plan compliance, or for the purpose of investigation of any complain or alleged violation of this Ordinance.

The Health Officer shall have the power to conduct such investigation as he may reasonably be deemed necessary to carry out the duties as prescribed in this Regulation, and shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Regulation.

32.11.1 Certification Inspection

Prior to the issuance of a Certificate of Compliance the Health Officer shall:

1. By on-site inspection ensure compliance with this Regulation.
2. After the well has been disinfected and the disinfecting agent has dissipated, a water sample from all new wells shall be obtained by the property owner and submitted for laboratory analysis and a report which shall confirm the water meets Federal Safe Drinking Water Act Standards.. It shall be the responsibility of the landowner to notify the Department when the water supply is connected and a sample has been collected and submitted for analysis.
3. Construction or reconstruction of a nonpublic water well is not complete, and the well shall not be used for any purpose, until a final inspection has been conducted and the system approved by the Health Officer based on compliance with the requirements of this Regulation. . Preliminary and intermediate inspections may be required by the Health Officer.
4. By review of records ensure compliance with all applicable provisions of related health codes.

5. Ensure all required on-site and off-site improvements have been completed, and that connection to all required utilities have been made.

6. No part of any nonpublic water well system shall be covered or constructed so as to hinder, obstruct or deny a final inspection except to the extent authorized by the Health Officer.

32.11.2 Certificate Denial

If denied, the Health Officer will state the reasons by preparing a written list of deficiencies, cite the appropriate provisions of this Regulation or other regulations upon which denial is based.

32.11.3 Temporary Occupancy

The Health Officer may allow Temporary Occupancy prior to the completion of all construction, alteration, or changes, if such occupancy will not endanger health or safety.

1. Temporary Occupancy may be for a time period as the Health Officer deems appropriate to complete the work, but not exceed one hundred eighty (180) days.

2. If the work is not completed within the period of the Temporary Occupancy, the Health Officer shall notify the owner immediately. The owner shall cease use of the well and shall not resume such use until a Certificate of Compliance has been issued. Failure to cease use shall subject the owner to civil penalties, and other enforcement actions.

32.11.4 Records

The Health Officer shall retain on file a signed copy of all Permits, all approved and amended Plans, all Flood Elevation Certificates and Flood Proofing Certificates, Certificates of Compliance and documents as required by law.