

**Groundwater Protection in Woodbury County
Siouxland District Board of Health
Rule 23-4**

Pursuant to the authority of the Siouxland District Board of Health, as set out in Section 137.104 of the Code of Iowa, the Siouxland District Board of Health, Woodbury County, Iowa does hereby approve the following rules and regulations:

23-4.1: Purpose and Scope

The purpose of this Rule is to adopt Iowa Administrative Code Chapters 567-38, 567-39, 567-49 and 567-69 which provide regulations for private water well permitting, nonpublic water well construction, well plugging, and private wastewater disposal systems in order to protect the groundwater of Woodbury County and to meet minimum standards for ground water protection in Iowa. The provisions contained herein apply within the unincorporated and incorporated areas in Woodbury County, Iowa.

All references to Iowa Administrative Code in this Rule are those in effect as of the date of enactment, and as may be amended in the future.

23-4.2: Definitions

- Board of Health** - Means the Siouxland District Board of Health.
- Department** - Means the Siouxland District Health Department.

23-4.3: Well Permitting.

The provisions of 567 Iowa Administrative Code Chapter 38 shall apply and be met for issuance of all private water well construction permits.

23-4.4: Well Construction.

The provisions of 567 Iowa Administrative Code Chapter 49 shall apply and be met for all construction of all nonpublic water supply wells within Woodbury County.

23-4.5: Well Plugging.

The provisions of 567 Iowa Administrative Code Chapter 39 shall apply and be met for properly plugging all abandoned wells within Woodbury County.

23-4.6: Private Wastewater Disposal Systems.

The provisions of 567 Iowa Administrative Code Chapter 69 shall apply and be met for all private wastewater disposal systems within Woodbury County.

23-4.7: Fees.

Permit and penalty fees will be set by the Board of Health. The fees owed will be paid to the Department.

23-4.8: Advanced Enforcement and Penalties

- 4.8(1) Pursuant to Iowa Code Sub-sections 455B.172(3) and (9) and Section 455B.187; 567 Iowa Administrative Code (IAC) Sections 38.15-17; and Iowa Code Chapter 28E the Siouxland District Board of Health shall implement, administer, and enforce the requirements of this Rule and 567 IAC Chapters 38, 39, 49, and 69.
- 4.8(2) Any person who violates any provision of this Rule of the Siouxland District Board of Health is guilty of a civil infraction. Each additional day of neglect or failure to comply with any provision, rule, or lawful order after notice of violation by the local board of health shall constitute a separate infraction. See Iowa Code Section 137.117.
- 4.8(3) A civil infraction under this Rule of the Siouxland District Board of Health is punishable by a civil penalty not to exceed seven hundred fifty dollars (\$750) for each violation. If the violation is a repeat offense, a civil penalty not to exceed one thousand dollars may be imposed.
- 4.8(4) This Rule of the Siouxland District Board of Health shall be enforced pursuant to Iowa Code Section 331.307. Allowable relief includes both the imposition of a civil penalty and the imposition of other alternative forms of relief, remedies, or sanctions.
- 4.8(5) Pursuant to Iowa Code Section 331.307, when judgment is entered against a defendant found liable of a violation of this Rule, the court may do any of the following:
 - a. Impose a civil penalty by entry of a personal judgment against the defendant.
 - b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.
 - c. Grant appropriate alternative relief ordering the defendant to abate or cease the violation.
 - d. Authorize the Board of Health to abate or correct the violation.
 - e. Order that the Board of Health's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

23-4.9: Repealer.

Any Board of Health Rules or parts thereof in conflict with provisions of this Rule are hereby repealed.

23-4.10: Severability Clause.

If any section, provision, or part of this Board of Health Rule shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the Rule as a whole or any section, provision, or other part thereof not adjudged invalid or unconstitutional.

23-4.11: Amendments

The regulations and standards set forth in this Rule may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Siouxland District Board of Health.

AUTHORIZATION TO ADOPT



Judy Turner, Board Chairperson
Siouxland District Board of Health

DATED: 1-12-2022

AUTHORIZATION TO ACCEPT



Keith Raddig, Board Chairperson
Woodbury County Board of Supervisors

DATED: 1/18/22