

Guthrie County Board of Health Regulations

Chapter IV Well Water Standards For Rental Properties

Chapter 137 of the 2005 Code of Iowa specifies in Section 137.7 the following powers of the County Board of Health to include:

1. May provide such personal and environmental health services as may be deemed necessary for the protection and improvement of the public health.
2. May charge reasonable fees for personal health services.
3. May issue licenses and permits and charge reasonable fees therefore in relation to the collection or disposal of solid waste and the construction of private water supplies or sewage disposal facilities.

Under the authority granted by Chapter 137 therefore the following regulations of the Guthrie County Board of Health have been promulgated and shall become effective. These regulations shall supersede and replace other regulations of the Guthrie County Board of Health which have been in effect to date.

Section 1 Purpose

1. The purpose of these rules is to ensure that tenants are provided safe water by the property owner in order to protect the health of those tenants and guests.
2. The property owner shall be responsible for providing a water delivery system with equipment and piping to provide an adequate supply of safe water, except due to vandalism or carelessness of the tenant.
3. Rental property whose household water is supplied by a public water system shall be exempt from these rules.

Section 2 Definitions

1. Property owner: any person, firm, or corporation having legal responsibility for the rental unit as determined by County Courthouse records.
2. Tenant: an occupant or occupants of the dwelling who are current in the payment of rent.
3. Contaminant: any substance which is considered in Dept. of Natural Resources (DNR), Iowa Administrative Code 567 (455B) Chapter 41.
4. Unsafe: any contaminant level which exceeds the maximum contaminant level allowed in Chapter 41, IAC 567 (455B).

Section 3 Contaminants

1. No contaminant shall be allowed at unsafe levels as specified in Chapter 41, IAC 567 (455B) unless specifically exempted by the Guthrie County Board of Health. Exceptions for nitrates are specified in Section 3(3).
2. The water shall be rated "safe" with respect to total coliform bacteria and E. coli bacteria by the University of Iowa Hygienic Lab (or other approved laboratory) in each of two tests conducted six months apart in cases where contamination is initially found.
3. If nitrates are present in excess of 45 mg/l (10mg/l as N):

- (a) the tenant must be notified in writing by the owner stating the water is unsafe for infants under the age of six months
 - (b) annually, on the basis of date of the first test conducted, the Environmental Health Dept. (Dept.) shall collect a water sample for nitrate analysis
 - (c) the tenant shall receive a copy of this test report
 - (d) the cost of testing shall be borne by the property owner
 - (e) testing shall continue until two annual tests show less than 45 mg/l nitrates
4. All test samples shall be collected by the Dept.
5. Other contaminants may be tested for and removal required if the Dept. determines there are reasonable grounds for assuming their presence at unsafe levels.

Section 4 Scope and Applicability

1. Properties shall comply with the regulations as the following conditions occur:
- (a) the property is being initially rented after an owner-occupant vacates
 - (b) the property is being rented as a result of a change in tenants
 - (c) the property is being rented after a vacancy of greater than three months.
2. Prior to such property being rented, the drinking water supply must be tested unless a previous test within the prior 12 months was safe for all contaminants tested.
3. The property owner shall contact the Dept. whose personnel shall make an inspection of the well and water system and shall collect a sample for testing for total coliform bacteria, E. coli bacteria and nitrates. Cost of the testing shall be borne by the property owner.
4. Properties whose wells are safe for bacterial and nitrate levels may be rented upon receipt of the re-sults by the Dept.
5. Properties whose wells show unsafe levels of bacteria shall not be rented until repairs are completed and additional water tests show the water supply to be bacterially safe. Cost of the additional tests is to be borne by the property owner.
6. Properties whose wells show unsafe levels of nitrates may be rented if the provisions of Section 3(3) are complied with.
7. Properties whose wells are suspected of other contaminants shall be approved for safety prior to rent-al.
8. The Dept. shall maintain a register of such rental properties to include the following: (a) property owner's name and address, (b) tenants name and address, (c) number of occupants, (d) legal description of property, (e) inspection and sample reports, and (f) copies of pertinent correspondence.

Section 5 Complaint procedure

1. The Dept. shall investigate complaints from any tenant or from any governmental agency with an interest in the tenant.
2. A complaint must be in writing and must include the following:
- (a) name and address of the tenant
 - (b) name and address of the property owner or agent
 - (c) specific reasons complaint is being made
 - (d) specific indications that the tenant has consulted the property owner regarding the problem and not had the problem satisfactorily corrected.
3. Each complaint shall be investigated by Dept. personnel using the following procedure:
- (a) the property owner or agent shall be contacted, if possible, prior to an inspection
 - (b) an inspection shall be conducted with the tenant and property owner present, if possible

(c) if deemed necessary by the Dept., samples shall be collected by the Dept. for testing by the Hygienic Laboratory

(d) cost of the tests shall be paid by the property owner

(e) if deemed necessary by the Dept., the property owner at his expense may be required to con-sult a well contractor or plumber for technical advice.

(f) the Dept. shall prepare a report of the inspection and make general suggestions for repairs

(g) repairs shall be made following the latest revision of the Iowa State Plumbing Code and DNR, Iowa Administrative Code 567 (455B), Chapter 49

(h) such repairs shall be verified by the Dept. through inspection and receipts for work completed

(i) upon completion of repairs, confirmation samples shall be collected by the Dept. with cost of the testing paid by the property owner to verify the safety of the water.

Section 6 Inspection Authority

1. Whenever the Dept. has reasonable grounds to believe that a violation of these rules exists, Dept. personnel shall ask permission of the owner or tenant to enter upon and make an inspection of such premises to gather other information, including water samples or other necessary specimens for the purpose of lab-oratory analysis.

2. The Dept. may make as many additional inspections of such premises as are necessary.

3. In the event the Dept. is refused entry to all or part of the site, a complaint may be made under oath to any magistrate of the County. The magistrate shall issue a warrant directed to some peace officer commanding the officer, accompanied by the Dept. personnel, to enter upon such premises and to make such inspections and obtain samples as may be necessary.

Section 7 Failure to Comply

Any property owner who is required by Section 4.1 or Section 5.1 to comply with these rules but fails to do so shall be guilty of a misdemeanor and liable for prosecution.

Section 8 Severability

Should any section of these rules be found invalid, it shall not affect the validity of other sections.

These regulations were submitted to the Guthrie County Board of Health at the January 18, 2006 meeting. A public hearing was held on these regulations at this meeting. The regulations were approved at this meeting.

The regulations received final approval at the January 26, 2006 meeting of the Guthrie County Board of Supervisors.