

### Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 641—Chapter 24  
“Private Well Testing, Reconstructions, and Plugging—Grants to Counties”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135.11

State or federal law(s) implemented by the rulemaking: Iowa Code sections 135.11 and 455E.11

### Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 28, 2023  
10 a.m.

Via video/conference call:  
[meet.google.com/nkg-jzin-yvp](https://meet.google.com/nkg-jzin-yvp)

### Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Joe Campos  
Phone: 515.304.0963  
Email: [joe.campos@idph.iowa.gov](mailto:joe.campos@idph.iowa.gov)

### Purpose and Summary

This chapter sets forth the Department of Public Health’s procedure in administering the Grants to Counties program for the purpose of testing private water wells, reconstructing private water wells, and the proper plugging of abandoned private water wells within the jurisdiction of each county board of health.

Grant program parameters are defined in Iowa Code section 455E.11. HHS administers these grants in coordination with the Iowa Department of Natural Resources.

### Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

No direct costs to the public have been identified.

- Classes of persons that will benefit from the proposed rulemaking:

County boards of health receiving grant funds will benefit.

Communities and individuals that live in a county that receives grant funds will also benefit. HHS incurs personnel costs for team members to administer the Grants to Counties program. These costs are reflected in the table below as “HHS Implementation.”

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Figures below are actuals incurred in the fiscal years shown.

**Identified Impacts\***

	SFY2018	SFY2019	SFY2020	SFY2021	SFY2022	5-Year Total
<b>Costs</b>						
HHS Implementation	(\$81,000)	(\$84,000)	(\$87,000)	(\$90,000)	(\$93,000)	(\$435,000)
Grants to Counties	(\$2.6M)	(\$3M)	(\$3M)	(\$4M)	(\$4M)	(\$16.6M)
<b>Benefits</b>						
Increased Public Trust	Intangible	Intangible	Intangible	Intangible	Intangible	Intangible
Improved Public Health and Safety	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative
<b>Net Value</b>	\$2,681,000	\$3,084,000	\$3,087,000	\$4,090,000	\$4,093,000	\$17,035,000

\*All monetary figures have been rounded to the nearest thousandth.

Sound grant administration ensures that grantees are using grant funds efficiently and appropriately, leading to public trust in government programming and improved public health and safety driven by the goals of the Grants to Counties program.

- Qualitative description of impact:

Sound grant administration ensures that grantees are using grant funds efficiently and appropriately, leading to public trust in government programming and improved public health and safety driven by the goals of the Grants to Counties program.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

HHS incurs personnel costs for team members to administer the Grants to Counties program. These costs are reflected in the table above as “HHS Implementation.”

- Anticipated effect on state revenues:

No impact on state revenues has been identified.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The cost-benefit analysis above shows increased public trust and improved public health and safety. Eliminating grant administration measures as defined in this chapter would weaken oversight of grant dollars, which could result in a diminished quality of work completed by grantees under the Grants to Counties program. A grantee using funds fraudulently or in contradiction to the requirements of the Iowa Code may diminish public trust in the Grants to Counties program and the Department, and eliminate gains to public health and safety that might have been realized under the program.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

A less costly method has not been identified to achieve the purpose of this rulemaking.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

HHS administers the Grants to Counties program in accordance to requirements of the Iowa Code. This chapter does not ascribe Department duties or implementation elements in addition to those directly defined in the Iowa Code.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Not applicable.

*Small Business Impact*

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 641—Chapter 24 and adopt the following new chapter in lieu thereof:

CHAPTER 24

PRIVATE WELL TESTING, RECONSTRUCTION, AND PLUGGING—GRANTS TO COUNTIES

**641—24.1(455E,135) Grant procedures.**

**24.1(1)** The department has adopted policies to administer the awarding of grants for the grants to counties program. Grants will be awarded pursuant to Iowa Code section 455E.11.

**24.1(2)** The department will:

- a. Determine program objectives;
- b. Set eligible and ineligible grant costs for which the department will reimburse county programs;
- c. Define performance requirements for grant recipients that set minimum standards to be met by all county programs;
- d. Develop a grant application and a grant application submission procedure;
- e. Terminate a grant found to be obtained by fraud or misrepresentation regardless of whether grant moneys have already been given to the grantee;
- f. Allow for an applicant to appeal the denial of a properly submitted grant application. Appeals shall be governed by 441—Chapter 7.

These rules are intended to implement Iowa Code sections 455E.11 and 135.11(26).