

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rulemaking related to private well testing, reconstruction, and plugging-grants to counties**

The Department of Health and Human Services hereby rescinds Chapter 24, “Private Well Testing, Reconstruction, And Plugging-Grants to Counties,” Iowa Administrative Code and adopts Chapter 24, “Private Well Testing, Reconstruction, And Plugging—Iowa Private Well Grants”.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 135.11.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 135.11 and 455E.11.

*Purpose and Summary*

This rule chapter sets forth department 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 455E.11. The Department administers these grants in coordination with the Iowa Department of Natural Resources.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7367C**. Two public hearings were held on February 14, 2024, at 11:30 a.m. and on February 26, 2024, at 12 p.m.

The department received a public comment expressing concern with the low administrative fees the counties are able to recover and a public comment recognizing the significant reduction in word/page count. The department determined no changes to the rule chapter are needed to address public comments.

No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Health and Human Services Council on April 11, 2024.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Health and Human Services for a waiver of the discretionary provisions, if any, pursuant to 441—6.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rulemaking will become effective on July 1, 2024.

The following rulemaking action is adopted:

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

CHAPTER 24

PRIVATE WELL TESTING, RECONSTRUCTION, AND PLUGGING—IOWA PRIVATE  
WELL GRANTS

**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.

This rule is intended to implement Iowa Code sections 455E.11 and 135.11(26).