

**PUBLIC HEALTH DEPARTMENT[641]**

**Notice of Intended Action**

**Proposing rulemaking related to grants to counties water well program  
and providing an opportunity for public comment**

The Department of Health and Human Services (HHS) hereby proposes to rescind Chapter 24, “Private Well Testing, Reconstruction, and Plugging—Grants to Counties,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed 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 chapter sets forth HHS procedure for 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.

*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 HHS for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

*Public Comment*

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the HHS no later than 4:30 p.m. on February 26, 2024. Comments should be directed to:

Joe Campos  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.304.0963  
Email: [compliancerules@idph.iowa.gov](mailto:compliancerules@idph.iowa.gov)

*Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 14, 2024  
11 to 11:30 a.m.

Microsoft Teams meeting ID: 212 588 466 197  
Passcode: SThXzX

February 26, 2024  
1 to 2 p.m.

Microsoft Teams meeting ID: 249 196 980 071  
Passcode: 9dQkSC

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the HHS and advise of specific needs.

*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).

The following rulemaking action is proposed:

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.

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